

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING) ORDINANCE NO. 90-357
A CODE OF ETHICS AND CONDUCT FOR)
THE COUNCIL OF THE METROPOLITAN) Introduced by
SERVICE DISTRICT) Councilor DeJardin

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Council finds:

(a) Holding office as a member of the Metro Council is a public trust and great honor.

(b) The electors of the District hold the ultimate power and authority through exercise of their power to elect, re-elect, retain, or recall members of the Council to judge the conduct and fitness to serve of each of the Council.

(c) Serving as an officer of the Council, or as an officer or member of a Committee of the Council, is a position of trust and receiving payment of per diem and expenses is a privilege and not a right.

(d) Oregon Law provides little or no sanction for Council members who violate their oath of office, abuse the powers of their office, or violate the public trust until such time as the electors exercise their inherent powers.

(e) It is appropriate to establish a Code of Ethics and Conduct, and appropriate sanctions, to govern the conduct of members of the Metro Council who by taking an oath of office agree to accept the public trust by serving as a member of the Council.

Section 2. A new Chapter 2.11 is hereby added to the Metro Code to provide as follows:

Chapter 2.11 Council Code of Ethics and Conduct

2.11.010 Purpose:

The purpose of this Chapter is to establish a Code of Ethics and Conduct for members of the Metro Council. The Code should be clear and easily understood. The Code should reflect the values established by state law and respect the rights of members of the Council to represent their constituents. The intent of the Code is to recognize that unlawful conduct or violation of Council rules by Council members should and must have appropriate sanctions. The Council needs to have a means to establish and regulate its own behavior and to protect the orderly conduct of its business, and provide for the integrity of the Council as a whole against the willful conduct of a member, while respecting and preserving the right of the electors of the District to elect, re-elect, or recall members of the Council pursuant to the laws and constitutions of the State of Oregon and the United States.

2.11.020 Code of Ethics and Conduct:

Commission of any of the following acts by a member of the Metro Council is hereby determined to be a violation of this Code:

(a) Conviction of or final determination that the member has violated any provision of Metro Code Section 2.02.280.

(b) Conviction of or a final determination that the member has violated any provision of ORS chapter 244.

(c) Conviction of or a final determination that the member has violated any provision of ORS chapter 260.

(d) Conviction of any felony as defined by federal or Oregon law.

(e) Conviction of any other crime pertaining to the office of Metro Councilor.

(f) The unlawful destruction of any public record.

(g) The repeated and willful violation of the Council's Rules of Procedure during Council or Council Committee meetings.

(h) Divulging without the consent of the Council the content of confidential documents exempt from disclosure under the Oregon Public Records Act, or disclosing without the consent of the Council the content of a duly authorized Executive Session held pursuant to the Oregon Public Meetings law.

2.11.030 Sanctions:

When the Council determines pursuant to procedures provided for herein that a member of the Council has violated the Council's Code of Ethics and Conduct, the Council may in its discretion impose any or all of the following sanctions:

(a) Removal of the member from service on any assignment as a representative of the District on any body or as a delegate of the Council to any organization or meeting where selection of such a representative or delegate is reserved to the

Council or its Presiding Officer for a specific period of time as designated by the Council but not to exceed the remainder of the current term in office of the offending member.

(b) Removal of the member from service on any standing committee of the Council for a specific period of time as designated by the Council, but not to exceed the remainder of the current term in office of the offending member.

(c) Disqualification of the member from the privilege of receiving per diem payments for attendance at meetings for a specific period of time as designated by the Council, but not to exceed the remainder of the current term in office of the offending member.

(d) Publically reprimand a member and state the particular grounds for finding the member failed to comply with the Council's Code of Ethics and Conduct.

(e) Disqualification of the member from the privilege of being reimbursed for expenses for meals, travel, or otherwise for a specific period of time as designated by the Council, but not to exceed the remainder of the current term in office of the offending member.

(e) Recommend to the electors of the subdistrict from which the Councilor has been elected that the Councilor be subjected to the recall procedures authorized by law.

2.11.040 Procedures:

(a) **Complaints:** The Presiding Officer of the Council shall investigate allegations that a Council member has violated the

Council's Code of Ethics and Conduct. If the Presiding Officer determines that any allegation merits further action, the Presiding Officer shall appoint a committee consisting of the Presiding Officer and four other Council members, other than the member whom is the subject of the allegation. If the allegations concern the Presiding Officer, then the Deputy Presiding Officer shall conduct any investigation, appoint the committee, and serve thereon.

(b) Hearing: The Committee so appointed shall hear the matter. The hearing shall be conducted informally. The Committee shall hear all witnesses and consider such information that shall be presented to it. The Council member who is the subject of the allegations may present testimony, witnesses, and introduce evidence. The hearing shall be public.

(c) Recommendations: The Committee shall recommend to the Council what, if any, sanctions shall be imposed by the Council and the basis for such sanctions.

(d) Sanctions: Upon receipt of the Committee's recommendation the Council shall decide whether to adopt the Committee's recommendation, return the matter to the Committee for further hearing, or reject the recommendation and take such action as the Council shall determine is appropriate consistent with this Chapter.

2.11.050 Impact on Council Organization:

Nothing contained in this Chapter shall be construed to limit or effect the power of the Council and Presiding Officer to

create or abolish committees, elect, or remove officers or committee members, or take any other action allowed pursuant to Chapter 2.01 of this Code.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____ 1990.

Not Adopted
Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

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