

CHAPTER 2.17

CODE OF ETHICS FOR METRO OFFICIALS
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 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.

(b) "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, 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.

(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 2.17.110(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 "Gift" as defined in ORS 244.020(6)(a). However, for the purpose of this chapter, "Gift" does not include plaques, momentos or similar items with little or no intrinsic value.

(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 ordinances, resolutions, regulations, proposals or other matters subject to the action or vote of a Metro official or Metro employee.

(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.

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

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

(r) "Metro official" means any Department Director, 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 of any public agency and any member of the staff or an employee thereof.

(v) "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.)

2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro

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

- (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.

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

2.17.040 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. 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. 1. 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.
- (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.

(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. 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.)

2.17.110 Registration of Lobbyists

(a) Within three (3) working days after exceeding the limit of time specified in Code Section 2.17.120(a)(5), each lobbyist shall register by filing with the Metro Council a statement containing the following information:

- (1) The name and address of the lobbyist.
- (2) The name 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.
- (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.)

2.17.120 Exemptions to Lobbyist Registration Requirements

(a) The requirements of Code Section 2.17.110 through Code Section 217.140 do not apply to the following:

- (1) News media or their employees or agents, who in the ordinary course of business publish or broad-

cast 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.
- (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.)

2.17.130 Statements of Lobbying Expenses

Any lobbyist who engages in any lobbying activities shall file with the Council by January 31 of each year a statement for the preceding calendar year showing 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 the date, name of the non-profit entity and amount of that expenditure.

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

2.17.140 Employers of Lobbyists Expense Statements

Any person employing a lobbyist who was registered or who was required to register with the Oregon Government Standards and Practices Commission shall file with the Council by January 31 a statement for the preceding calendar year showing the name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the employer of a lobbyist, but not including information previously reported in compliance with Section 2.17.130 and the date, name of the non-

profit entity and amount of expenditure.

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

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

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

2.17.160 Public Nature of Reports, Registrations and Statements

All information submitted to the Oregon Government Standards and Practices Commission or Council in any report, registration or statement required by this Chapter is a public record.

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

2.17.170 Sanctions for Violations

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 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.)
