

CHAPTER 12 ETHICS FOR PUBLIC OFFICIALS

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12.010. Purpose. The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; the government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics is hereby established for all public officials, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials of private financial or other interests in matters affecting the city. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interest of the city. (Ord No. 5633; Ord No. 36-96)

12.015. Definitions. As used in this Chapter, unless the context requires otherwise:

- (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 benefit or detriment of the person or the person's relative or any business with which the person or the person's relative is associated unless the benefit or detriment arises out of circumstances described in SRC 12.015(d)(1) through (3).
- (b) "Business" has the meaning defined in ORS 244.020(2).
- (c) "Business with which the person is associated" has the meaning defined in ORS 244.020(3).
- (d) "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 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 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. The Board of Ethics may by rule limit the minimum size of, or otherwise establish criteria for, or identify, the smaller classes that qualify under this exception; provided, however, that if the public official has obtained an opinion from the Oregon Government Standards and Practices Commission as to that public official's membership in a class, the public official may rely upon that opinion in determining whether a class exists under this paragraph.

(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.

(e) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the city as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

(f) "Relative" has the meaning defined in ORS 244.020(16). (Ord No. 36-96; Ord No. 51-06)

12.020. Responsibilities of Public Officials Generally. Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal consideration, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach. (Ord No. 5633; Ord No. 36-96)

12.040. Fair and Impartial Fulfillment of Duties.

(a) Interest in appointments. Contacting members of the council, directly or indirectly, in order to obtain preferential consideration in connection with any employment by the city service shall disqualify the candidate for employment except with reference to the city manager's position.

(b) Use of public property. No public official shall request, use or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit except when such services are available to the public generally or are provided as municipal policy for the use of such official in the conduct of official duties.

(c) Preferential treatment to individuals generally. No public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen. (Ord No. 5633; Ord No. 36-96)

12.050. Conflicts of Interest. When met with an actual or potential conflict of interest, a public official shall act as provided in ORS 244.120, except that a public official shall not be eligible to vote when met with any actual conflict of interest. (Ord No. 5633; Ord No. 156-81; Ord No. 29-95; Ord No. 36-96)

12.051. Disclosure of Confidential Information. No public official shall, without proper legal authorization:

(a) Disclose confidential information concerning the property, government or affairs of the city; or

(b) Use information described in subsection (a) of this section to advance the financial or other private interest of himself or herself or others. (Ord No. 36-96)

12.052. Representing Private Interests Before City Agencies or Courts. No member of the council or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interests before any agency of the city. He or she shall not represent private interests in any action or

proceeding against the interests of the city in any litigation to which the city is a party.

A member of the council may appear before city agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations. However, no member of the council or employee whose salary is paid in whole or in part by the city shall accept a retainer or compensation that is contingent upon a specific action by a city agency. (Ord No. 36-96)

12.060. Restrictions on Political Activities.

(a) No appointed public official shall simultaneously hold an elective public office or position without first obtaining the approval of the council after recommendation by the city manager. Any denial of such a request shall be based upon a showing that the city has a compelling governmental interest warranting such action.

(b) No public official shall promise an appointment to any municipal position, favorable treatment or the influence of the public official's office or other favor or reward in return for partisan political activity on the official's behalf, or on behalf of any candidate or cause. (Ord No. 5633; Ord No. 3-74; Ord No. 159-74; Ord No. 40-81; Ord No. 36-96)

12.070. Applicability. A public official who has doubt as to the applicability of a provision of this Code to a particular situation should apply to the Board of Ethics for an advisory opinion and be guided by that opinion when given. The public official shall have the opportunity to present an interpretation of the facts at issue and of any applicable provision of the Code before such advisory decision is made.

This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision or when the application of a statutory or charter provision is discretionary but determined by the Board of Ethics to be more appropriate or desirable. (Ord No. 5633; Ord No. 36-96)

12.080. Effect of Violation. Violation of any provisions of this Code should raise conscientious questions for the public official concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the city. Violation may constitute a cause for removal from office or other disciplinary action. (Ord No. 5633; Ord No. 36-96)

BOARD OF ETHICS

12.090. Created. The city Board of Ethics is hereby created. (Ord No. 5634; Ord No. 36-96)

12.100. Composition; Appointment of Members; Ex-officio Members. The Board of Ethics shall consist of five members appointed by the mayor from the public at large and confirmed by the council. Members shall be residents of the city. The city attorney and the personnel director shall serve as ex-officio nonvoting members. The city attorney shall act as legal counsel and the personnel director as secretary for said board. (Ord No. 5634; Ord No. 95-72; Ord No. 10-93; Ord No. 36-96)

12.110. Terms of Members; Filling Vacancies. The mayor shall appoint the members of the initial board for staggered terms: two members for three years; two members for two years; and one member for one year. Subsequent appointments shall be made for a term of three years. No member shall serve more than two consecutive terms. The mayor, with confirmation from council, shall fill any vacancy on the board caused by resignation, death, or removal and shall appoint a successor for the unexpired term of the member. (Ord No. 271-66; Ord No. 95-72)

12.120. Chair. The board shall annually select a chair from among its own members. (Ord No. 5634; Ord No. 95-72; Ord No. 36-96)

12.130. Powers and Duties. It shall be the function of the Board of Ethics to implement the Code of Ethics, adopted by the council for public officials. The duties of the board shall be:

- (a) To receive and initiate complaints of violations of the Code of Ethics;
- (b) To hear and investigate complaints and transmit the findings and recommendations, if any, to the appropriate authorities or officers;
- (c) To render advisory opinions or interpretations with respect to application of the Code, either on request or on its own initiative; and
- (d) To propose revisions of the Code to assure its continuing pertinence and effectiveness.
(Ord No. 5634; Ord 36-96)

12.140. Meetings. The Board of Ethics will meet at the call of the chair. (Ord No. 5634; Ord 36-96)