

ETHICS

The Oregon Government Standards and Practices Act

All Metro and MERC employees are required to comply with the Oregon Government Standards and Practices Act, ORS Chapter 244. The GSPA applies to Oregon public employees, volunteers, and elected officials. The law prohibits the use of public office for personal financial gain and directs how conflicts of interest are to be handled. The following information, including excerpts from the OGSP GUIDE FOR PUBLIC OFFICIALS (“GPO”), is intended to alert you to the issues you are most likely to encounter during your employment at Metro.

1. Who Is Covered

All Metro and MERC employees are public officials.

“ORS 244.020(15) defines a public official as ‘any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.’” G.P.O. p. 6.

“A ‘relative’ includes the public official’s spouse and the parents, children, brother and sisters of either the public official or the official’s spouse. A ‘member of a household’ is any relative, as defined above, who resides with the public official.” G.P.O. P.6.

2. Use Of Official Position Or Office To Obtain Financial Gain

“ORS 244.040 states that:

“No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official’s holding of the official position or office

“This prohibition does not include acceptance of official salary, reimbursement of expenses, honoraria and unsolicited awards for professional achievement

*“If people are able to gain financially **only** because they hold a public office, and the same opportunity is not available to persons who are not public officials, they are violating the law.” G.P.O. p. 14.*

Here are some examples of actions which violate this statute (unless a special exception applies):

- A. Purchasing goods or services for Metro from a relative (this may also violate the conflicts of interest rules).
- B. Accepting a discount “for Metro employees” that is not part of your official compensation, *i.e.* salary and benefits from Metro.
- C. Using your Metro office to conduct a personal business, for example, selling Tupperware or using your Metro computer to list personal items for sale on EBay.
- D. Using Metro equipment for personal business, *e.g.* making copies of personal documents, or making long distance personal calls from a Metro phone, even if you reimburse Metro for the cost.

3. Gifts

*“The gift provisions of the Government Standards and Practices law apply to public officials receiving gifts both for **themselves and their relatives**. The application of these provisions depends on the source of the gift. The provisions apply **only** if the source has a **“legislative or administrative interest”** in the government agency in which a public official holds official position. The law defines a legislative or administrative interest as **“...an economic interest, distinct from that of the general public ... in matters subject to the action or vote of a person acting in the capacity of a public official.***

*“If a public official receives a gift from a source that does **not** have a legislative or administrative interest, and the gift is received **only** because of the official’s position, the office would be in violation of the prohibition against using official position for personal financial gain as discussed in Section IV.*

“A gift is:

- *Something of value that an official accepts for free or for which the official does not pay back equal value;*
- *The forgiveness of a debt, as well as the giving of some object or service; and*
- *Something received by a public official that is not available to the general public for the same price or on the same terms and conditions.*

The law permits public official to accept the following:

- *Campaign contributions;*
- *Gifts from relatives;*
- *Gifts totaling less than \$100 in value during a calendar year from people or organizations with an administrative or legislative interest in the public body in which the recipient is an official;*
- *Food, lodging and travel for a public official associated with an appearance in an official capacity at an event related to the official’s public office;*
- *Food and beverage, when consumed by the public official or the official’s relatives in the presence of the purchaser or provider – with no dollar limitation;*
- *Entertainment experienced by the official or official’s relative in the presence of the purchaser or provider, up to a value of \$100 per person on a single occasion and not totaling a value of more than \$250 per person in a calendar year.” G.P.O. p. 17-18.*

4. Actual And Potential Conflicts Of Interest

*“The Oregon Government Standards and Practices laws define ‘potential conflict of interest’ and ‘actual conflict of interest.’ As the terms implies, a **potential** conflict of interest occurs when a public official takes official action that **could** affect the financial interests of the public official, or the official’s relatives or businesses with which they are associated.” G.P.O. p. 6-7.*

*“An appointed official, including public employees, must disclose the actual or potential conflict of interest **in writing** to the person who appointed the official (the ‘appointing authority’), disclose the nature of the conflict and ask that person to dispose of the matter giving rise to the conflict such as by assigning the matter to another employee.” G.P.O. p. 10.*

5. **Other Provisions**

Parts of the GSPA cover activities which are not normally encountered by Metro and MERC employees in the course of their employment. You should be aware of the general subject matter so you can look into the issue if it does come up. These include receipt of “Honoraria,” which are payments for official services like making speeches, and the filing of “Statements of Economic Interest,” which are required of Metro councilors and the Metro Council President, and other listed officials.

In any activity to which the law may apply, *caution is always the best approach*. If you have any question about whether an activity is proper under the GSPA, consult one or more of the following resources:

The Metro Attorney’s Office

OGSP GUIDE FOR PUBLIC OFFICIALS available in the Human Resources office
or online at www.gspc.state.or.us./GSPC/docs/POGUIDE.pdf

Government Standards and Practices Commission
Telephone: 503-378-5105 Website: www.gspc.state.or.us

6. **Metro Code of Ethics, Executive Order No. 66**

Metro has its own Code of Ethics which was adopted as Executive Order No. 66. This is Metro’s statement of the ethical standards all employees should aspire to. It is attached to this memo. Please read it carefully and take it to heart.

7. **Metro Code of Ethics for Metro Officials and Requirements for Lobbyists**

Metro Code Chapter 2.17 contains ethical restrictions on lobbying activities and relations with lobbyists, as well as financial disclosure requirements. Generally, these rules apply to Metro officials at the level of department director, Metro Attorney, Chief Operating Officer, Auditor, MERC Commissioner and Metro Councilor. Protection for employees who engage in “whistleblowing” activity under Oregon law is also part of this Code.

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