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# CHARTER REVIEW COMMITTEE ORIENTATION

GOVERNMENT ETHICS  
PUBLIC RECORDS  
PUBLIC MEETINGS  
POLITICAL ACTIVITY

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## OVERVIEW

- New rules and responsibilities associated with government service
  - Government ethics
  - Public records
  - Public meetings
  - Political activity when acting in official capacity
- These rules are generally intended to ensure transparency and accountability
- This is the starting point, but not the ending point, of your learning about these topics → the goal is for you to be able to spot issues as they arise



# GOVERNMENT ETHICS



## PUBLIC OFFICIALS

- For purposes of Oregon's ethics laws and the County's ethics rules, you are now public officials
- The ethics laws and rules apply:
  - As long as you serve in this role
  - Even when you are not in a CRC meeting



## OVERARCHING PRINCIPLE

**You cannot use your role as a public official to gain financial benefit or avoid financial harm.\***

*\*That may include a benefit or avoidance of harm for relatives, members of your household, or a business with which you or a relative or member of your household is associated*

***When in doubt, ask!***

## USE OF OFFICE

### **RULE:**

Cannot benefit financially (or avoid financial loss) where that benefit is available only because of your membership on the CRC\*

*\* Also applies to relatives, members of your household, or a business with which you or a relative or member of your household is associated*

*Many exceptions exist*

## GIFTS

County Rule\*: Cannot accept aggregate value over \$50 in a calendar year from single source with a legislative or administrative interest in the County's business\*\*

*\*State law has a similar rule*

*\*\* \$50 limit also applies to a relative or member of your household*



Legislative or administrative interest → under **\$50** per source per calendar year

No legislative or administrative interest → **no limit**

**Many exceptions exist**

# CONFLICTS OF INTEREST

## Potential Conflict

- any action or decision or recommendation
- the effect of which **could** be to the private pecuniary 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
- Announce **publicly** the nature of the potential conflict **before** any action is taken
- **Can** participate in discussion, debate, and vote on the issue

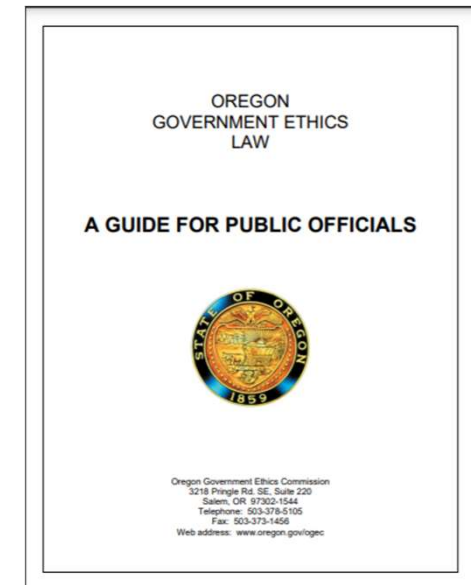
## Actual Conflict

- any action or decision or recommendation
- the effect of which **would** be to the private pecuniary 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
- Announce **publicly** the nature of the potential conflict **before** any action is taken
- **Cannot** participate as a public official in any discussion, debate or vote on the issue



## ENFORCEMENT & ETHICS RESOURCES

- Enforcement of state law: Oregon Government Ethics Commission
  - Letter of reprimand, explanation or education
  - Civil penalties
- Resources:
  - County Attorney via Staff Contact for County Rules
  - Oregon Government Ethics Commission
    - Training/Education -  
<https://www.oregon.gov/ogec/training/pages/default.aspx>
    - Summary of rules in “A Guide for Public Officials”
    - OGEC Phone: 503-378-5105 → Will advise on **prospective** actions only





# PUBLIC RECORDS

CREATION, INSPECTION, AND RETENTION



# PUBLIC RECORDS

## INSPECTION

Public has a right to **inspect** public records, unless an exemption applies



## RETENTION

County (including CRC members) must **retain** records in a retrievable manner for set period of time

- Records retention schedule – [www.multco.us/records/retention-schedules](http://www.multco.us/records/retention-schedules)
- County policy is generally to destroy records at the expiration of the scheduled retention period



## PUBLIC RECORDS

### WHAT QUALIFIES?

- Any writing, in any form
- Relating to the conduct of the County's business
- Prepared, owned, used or retained by a public body
- *Examples:* email, notes, calendar entries, text messages, video recording

### QUALIFIES AS A PUBLIC RECORD EVEN IF:

- Not physically at the County
- On your personal device
- In your personal email

***When in doubt, assume something is a public record that must be retained.***



# PUBLIC MEETINGS



## PUBLIC MEETINGS

- Rule: A quorum of the CRC cannot meet in private to decide on or deliberate toward a decision
  - CRC quorum: Majority of members – may set in bylaws
  - Could include conference calls, emails, group text messages
  - Social gatherings? Dinner before the meeting?
- Exception: executive session → only for purposes identified by statute in consultation with County Attorney

- Requirements for a public meeting: notice, location, accessibility, public attendance (not participation), minutes



**NOTE: personal liability** – up to \$1,000 in civil penalties for failure to comply with public meetings law



# POLITICAL ACTIVITY

ORS 260.432



## POLITICAL ACTIVITY

### **RULE:**

When acting in your official capacity, you may not promote or oppose, or direct a public employee to promote or oppose, any political committee, initiative, referral, referendum, recall petition, measure, or candidate.

Resource: Oregon Secretary of State, *Restrictions on Campaigning by Public Employees – ORS 260.432*  
(available at: <https://sos.oregon.gov/elections/Documents/restrictions.pdf>)



# POLITICAL ACTIVITY

## Official Capacity

- At a CRC meeting
- Working on a duty assigned by the CRC, including official publications
- Appearing at an event in an official capacity

## Timing

- Initiative, referendum, recall: when prospective petition is filed (before signatures are gathered)
- Referral: when measure is certified to the ballot
- Candidate: as soon as a candidate under state law → raising money for office, even if office unknown
- Political committee: whenever active

## RESOURCES

- County Attorney's Office via Staff Contact
- Oregon Government Ethics Commission:  
<https://www.oregon.gov/ogec/Pages/default.aspx>
- Oregon Attorney General's Public Records and Meetings Manual 2019:  
<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>
- Oregon Secretary of State *Restrictions on Campaigning by Public Employees* – ORS 260.432: <https://sos.oregon.gov/elections/Documents/restrictions.pdf>