

Public Officials and Public Meeting Key Terms

Ad Hoc

Per the Miriam-Webster Dictionary, ad hoc means: concerned with a particular end or purpose (for example, an *ad hoc* investigating committee).

Chair

A Chair is someone elected by and out of a group to help organize the group's activities. The exact duties and responsibilities of any given chair are based largely on the bylaws and policies of their group. Common Chair responsibilities may include: setting agendas, facilitating meetings, facilitating decision making processes, calling meetings, and more. Some groups, such as the Board of County Commissioners and Legislative committees, may have additional legal requirements for their Chair's role.

Compliance

Per Miriam-Webster dictionary, compliance is "conformity in fulfilling official requirements." For the purposes of Multnomah County Public Officials, those requirements may be related to federal, state, and county laws, as well as program agreements and requirements.

Ethics Disclosure

From the [2021 Guide for Public Officials](#): A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held.

Public officials who are hired as public employees, agents, or who **volunteer** with their public bodies must provide written notice to the person who appointed or employed them (their "appointing authority"). The notice must describe the nature of the conflict of interest with which they are met and request that their appointing authority dispose of the conflict. This written disclosure to the appointing authority satisfies the requirements of ORS 244.120 for the employee. The appointing authority must then designate an alternate person to handle the matter or direct the public official in how to dispose of the matter. [ORS 244.120(1)(c)]

Financial Benefit/Financial Harm Avoidance

In plain language, financial benefit is when you (or a relative/business) could improve your financial position, or make money, through your role as a public official. Financial harm avoidance is simply gaining that benefit through being able to stay away from events that could hurt your financial situation, or prevent you from losing money. In other words, you, your relatives/household members, and businesses affiliated with you should not profit from your time as a public official. Exceptions may include: official compensation (such as a salary, wage, or stipend), reimbursements for expenses, and some honorariums.

Under ORS 244.040(1) The prohibited financial benefit can be either an opportunity for personal financial gain or an opportunity to avoid incurring a personal expense. Please consult the [Guide for Public Officials](#) or contact the Ethics Commission if you have questions specific to your situation.

Governing Body

"Governing body" means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

Government Ethics Law

[From the Oregon Government Ethics Commission](#): “The provisions in Oregon Government Ethics law restrict some choices, decisions or actions of a public official. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.

On May 20, 2022, the Commission adopted this aspirational **code of conduct**, recommended by the Oregon Secretary of State 2021 Audit: *As an elected, appointed, employed, or volunteer public official, I acknowledge that I am subject to compliance with Oregon Government Ethics law as set forth in ORS Chapter 244. In the conduct of my official duties as a public official, I will act ethically when I:*

- Uphold the public trust by safeguarding the public money and resources
- Behave in an open, honest, and transparent manner
- Conduct the public's business fairly and objectively
- Disclose financial conflicts of interest
- Do not use my public position for personal gain
- Observe limits on the receipt of gifts

Home Rule Charter

A Home Rule Charter is a local version of a constitution, establishing the governance framework for a governing body. Multnomah County has a Home Rule Charter. The Oregon Constitution gives County voters the power to adopt and amend a Charter that describes the structure, organization, and powers of their own County government. Voters retain the power to adopt, amend, or abolish the Charter. As a governance document, the Charter provides the foundation for how the County operates, with more specific rules and policies established in the [County Code](#). Because the Charter can only be amended through voter approval, which is a lengthy and infrequent process, it is important for the document to cover the essentials while also granting officials and administrators the flexibility to determine what and how specific policies and programs need to be implemented to benefit the community. You can review the [Multnomah County Charter](#) online.

Public Body

“Public body” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

- **Public records law** applies to all public bodies

Public Meeting

Any time a decision is to be discussed or voted on by a public body, it is a public meeting. The Public Meetings Law applies to all meetings where a quorum of a governing body is required in order to decide, or to deliberate toward a decision. The law also applies to a quorum’s private decision-making or deliberations on any matter on which a vote of a governing body is required; these are often referred to: Subcommittees and breakout groups, and Executive sessions.

- **If the Advisory group recommendations will be reported to an elected body, it is a public meeting.**

Public Notice

The Public Meetings Law requires that public notice be given of the time and place of meetings. The

public notice requirements apply to any “meeting” of a governing body subject to the law, including committees, subcommittees, and advisory groups”.

Public Official

ORS 244.020(15), a public official includes anyone serving the State of Oregon or any of its political subdivisions or any other public body in any of the listed capacities, including as an “agent.” An “agent” means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances.

- In Multnomah County, most volunteers are public officials.

Public Records

The general expectation is that **the government, and all its business records will be transparent and available to the public.** All government records (electronic, printed or written) can be requested by the public. While there are exceptions to this “openness” the laws that limit access are very specific. The Oregon version of the federal Freedom of Information Act (FOIA) is Public Records Law: ORS 192.311 - 192.478.

What can you consider a public record?

1. Any information stored on virtually any medium, including voice mails, texts, e-mail, photos, that was used for the purposes of public/government business.
2. Information or records received from someone else about government business. If that file comes from the public agency, it is their responsibility to retain the records.

Volunteers are recommended to send any notes to your volunteer coordinator for preservation of records following a county meeting or event. You may be contacted to produce any notes based on your program/department’s [retention schedule](#).

Quorum

ORS 199-050-0005 (9) “Quorum” means the minimum number of members of a governing body required to legally transact business. In the absence of a statute, ordinance, rule, charter, or other enactment specifically establishing the number of members constituting a quorum, a quorum is a majority of the voting members of the governing body. **A “majority” of the voting members is commonly understood as 50% plus one.**

Resources

- [Oregon Government Ethics Commission for Government Ethics & Public Meetings](#)
 - [Government Ethics Guide for Public Officials](#)
 - [Oregon Secretary of State Restrictions on Campaigning by Public Employees – ORS 260.432](#)
- [Oregon Attorney General's Public Records and Meetings Manual 2019](#)
- [Public Meetings Trainings](#)
- Public Records Law: ORS 192.311 - 192.478.
- Multnomah County [Rule 3-30: Code of Ethics](#)
- Public Records and Meetings Law
<https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-and-meetings-law/>