



## Personnel and Administrative Policy and Procedure

<b>SUBJECT:</b> Ethics	<b>EFFECTIVE DATE:</b> November 15, 2007 <b>REVIEWED:</b> August 2011 <b>REVISED:</b>
<b>CATEGORY:</b> 200 <b>POLICY NUMBER:</b> 200.18	<b>CROSS REFERENCE:</b>

**Purpose:** To provide guidelines to Milwaukie public officials for conducting city business in an ethical manner and in compliance with State law.

### Definitions

Public Official: Any person serving as an officer, employee or agent of the City irrespective of whether that person is compensated for such service. (ORS 244.020(13)).

Relative: The spouse or domestic partner of the public official, any children of the public official or of the public official's spouse, siblings, spouse of siblings or parents of the public official or of the public official's spouse, any individual for whom the public official has a legal support obligation, or any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

Member of Household: Any person who resides with the public official.

Business: Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain 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 or a relative of the public official is associated in a nonremunerative capacity.

Business With Which the Person is Associated: 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, another form of equity interest, stock options or debt instruments, worth \$1,000 or more at any point in the preceding calendar year.

Gift: Something of economic value given to a public official or a relative or member of the household of the public official without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or for valuable consideration less than that required from others who are not public officials.

**Objective:** To ensure employees and the City are in compliance with State Ethics regulations. Public office is a public trust. Public officials are prohibited from using their positions to enrich themselves, a relative or member of their household, or any businesses with which they or a relative or member of their household is associated. The highest standards of ethical conduct shall be maintained to assure fair and equal treatment of all persons, claims, and transactions coming before the city. State and local laws set standards and practices to safeguard that public trust.

**Scope:** This applies to all elected officials, employees and agents of the City of Milwaukie.

## **Policy**

1. Use of public office for personal gain -- ORS 244.040(1)  
No public official shall use or attempt to use his/her official position to:
  - A. Obtain financial gain
  - B. Avoid financial detriment
2. Public officials are eligible for:
  - A. Official salaries
  - B. Honorarium with a value less than \$50.00.
  - C. Reimbursement of reasonable food, travel, and lodging expenses when the public official is representing the city
  - D. Unsolicited award for professional achievement
  - E. Unsolicited token or award of appreciation with a reasonably expected resale value of less than \$25.00.
3. These rules also apply to relatives, or members of the household of the public officials.
4. These rules also apply to "business with which the public official or a relative of the public official is associated."
5. Employees and their relatives and members of their household may not accept discounts which are not extended to others who are not public officials.
6. Soliciting or receiving gifts -- ORS 244.040(2)
  - A. No public official or a relative or member of the household of the public official may solicit or receive any gift or gifts with an aggregate value in excess of \$50 from any single source that reasonably has something to gain. However, the following are not gifts:
    - Contributions as defined in ORS 260.005
    - Gifts from relatives or members of the household of the public official
    - Unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.00
    - Informational materials, publications or subscriptions related to performance of official duties
      - Admission provided to or the cost of food or beverages consumed at a reception, meal or meeting held by an organization before whom the public official appears to speak or answer questions as part of a scheduled program
      - Food or beverage consumed at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage
      - Entertainment provided that is incidental to the main purpose of another event
      - Entertainment provided where the public official is acting in an official capacity while representing the city for a ceremonial purpose.
7. Soliciting or receiving a pledge or promise of future employment in return for official action is not allowed. ORS 244.040(3)

8. A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of holding position as a public official. ORS 244.040(4)
9. No person shall offer during any calendar year any gifts with an aggregate value in excess of \$50.00 to any public official or candidate or a relative of a public official or candidate if the official or candidate if elected would exercise authority. ORS 244.040(5)
10. A person may not attempt to represent a client for a fee before the governing body of which he/she is a member. This section, however, does not apply to the person's employer, business partner or other associate. ORS 244.040(6)

For questions relating to what types of activities public employees are allowed to engage in during election campaigns, please refer to the administrative policy on Political Activities.

### **Responsibilities**

#### All Employees and Public Officials

- Compliance with this policy and State ethics law.