

ADVISORY BODIES

Portland City Council, October 4, 2017

THREE BASIC PILLARS OF MEMBERSHIP:

- **Being a Public Official**
- **Public or Private meetings**
- **Public records**

OVERVIEW ON TYPES OF ADVISORY BODIES

- **Type I: Bona fide governing body of a public body. Collective cull of ideas to advise Council by a designated group of individuals. Ongoing.**
- **Type II: Bona fide governing body of a public body. Collective cull of ideas to advise Council by a designated group of individuals. Limited duration/issue specific.**
- **Type III: Before bringing an idea to Council or implementing at Bureau level, Bureau staff to gather input from a variety of designated constituencies and incorporate ideas into final product or proposal to Council. City staff members do the work of gathering the ideas shared and turning them into a proposal or policy.**

One key distinction among these is that categories I & II report directly to council and must abide by public meetings laws.

Category III reports to an individual Elected, Bureau Director or designee; these meetings are not required to adhere to public meetings laws. Quorums and votes are also not required, but other means may be used to “take the temperature of the room.”

DISCLOSURE

- **State law considers appointees to City advisory bodies public officials and requires disclosure of conflicts of interest. Members of all three categories of advisory bodies are public officials.**
- **Under Oregon Revised Statute 244.020(3), an appointee has conflict of interest when participating in an official action which could (potential) or would (actual) result in a financial benefit or avoidance of detriment to the public official, a relative of the public official, or a business with which either is associated.**

➤ Oregon state ethics law (ORS 244.020(3)4) defines “business with which the person is associated” as:

- When, during the preceding calendar year, an appointee or relative has held a position as director, officer, owner, employee or agent of a private business or a closely held corporation in which the appointee or relative held or currently holds stock, stock options, equity interest or debt instrument over \$1,000.
- When, during the preceding calendar year, appointee or relative has owned or currently owns stock, equity interest, stock options or debt instruments of \$100,000 or more in a publicly held corporation.
- When the appointee or relative is a director or officer of a publicly held corporation.
- When an appointee is required by ORS 244.050(5) to file an Annual Verified Statement of Economic Interest form and the business is listed as a source of household income.

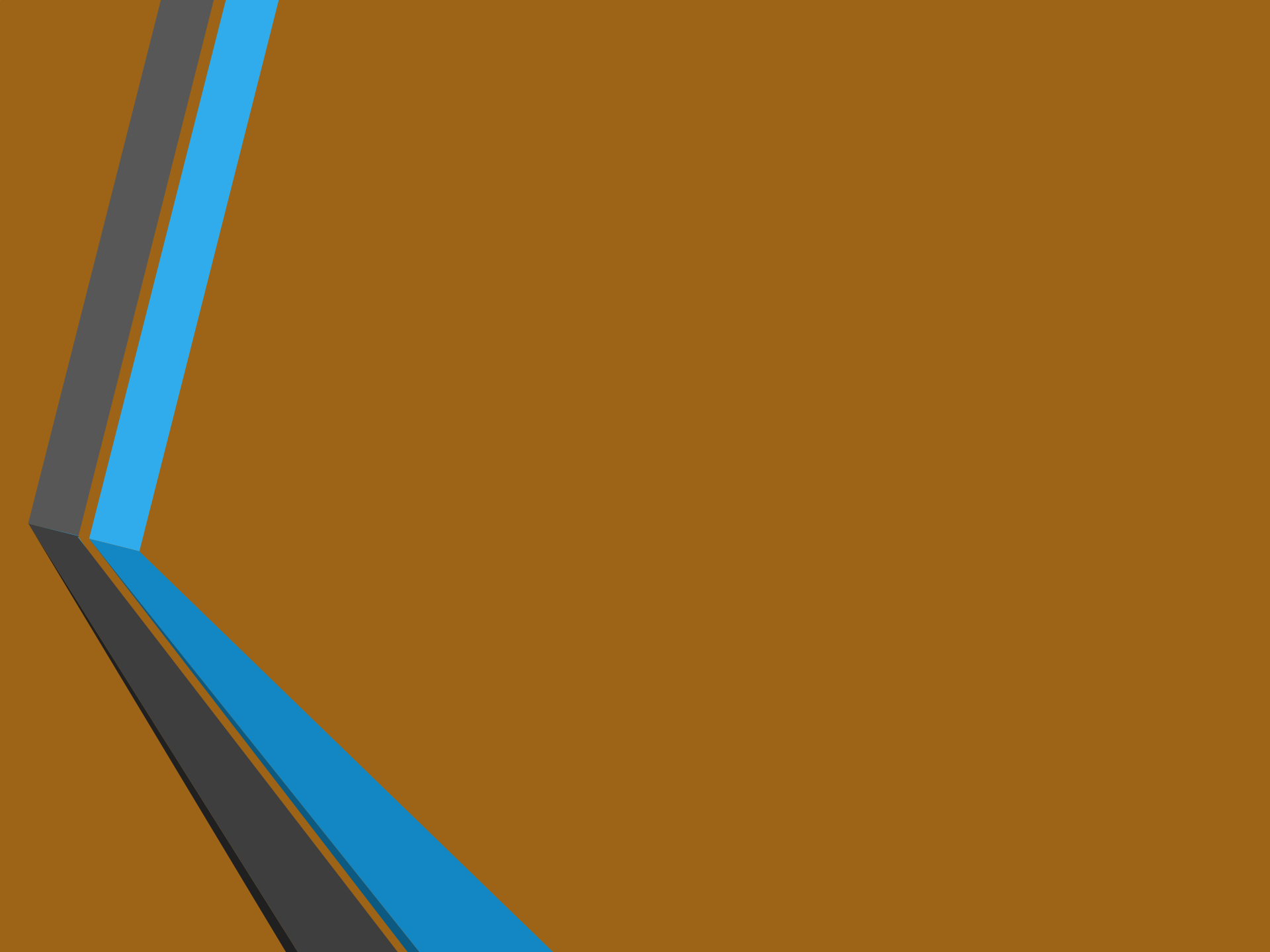
Oregon state ethics law (ORS 244.020(3)4) defines “business with which the person is associated” as:

- Spouse
- Children / Spouse’s Children
- Siblings / Spouse’s Siblings
- Spouse of siblings / Spouse of siblings of the spouse
- Parents / Parents of the spouse
- Person for whom the public official or candidate has a legal support obligation
- Person benefiting from a public official when benefits are from the public official’s public employment
- Person who provides benefits to a public official or candidate when benefits are from the person’s employment

For purposes of “relatives” defined by the last two bulleted items, examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.

- The announcement needs to be made on each occasion when the public official is met with the conflict of interest. Each time a public official is met with a conflict of interest the nature must be disclosed.**
- For example, an elected member of the city council would have to make the public announcement one time when met with the conflict of interest, but only one time in each meeting of the city council. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.**
- Another example would involve an employee in a city planning department who would have to give a separate written notice before each occasion they encounter a matter that gives rise to a conflict of interest. [ORS 244.120(3)]**



CITY-WIDE PUBLIC INVOLVEMENT BEST PRACTICES PROGRAM

➤ Main Components:

- Public Involvement Advisory Council (PIAC)
- Citywide policy and tool development
- Consultation and training

➤ Program Role:

To standardize and improve public involvement policies and practices across the City

ADVISORY BODIES

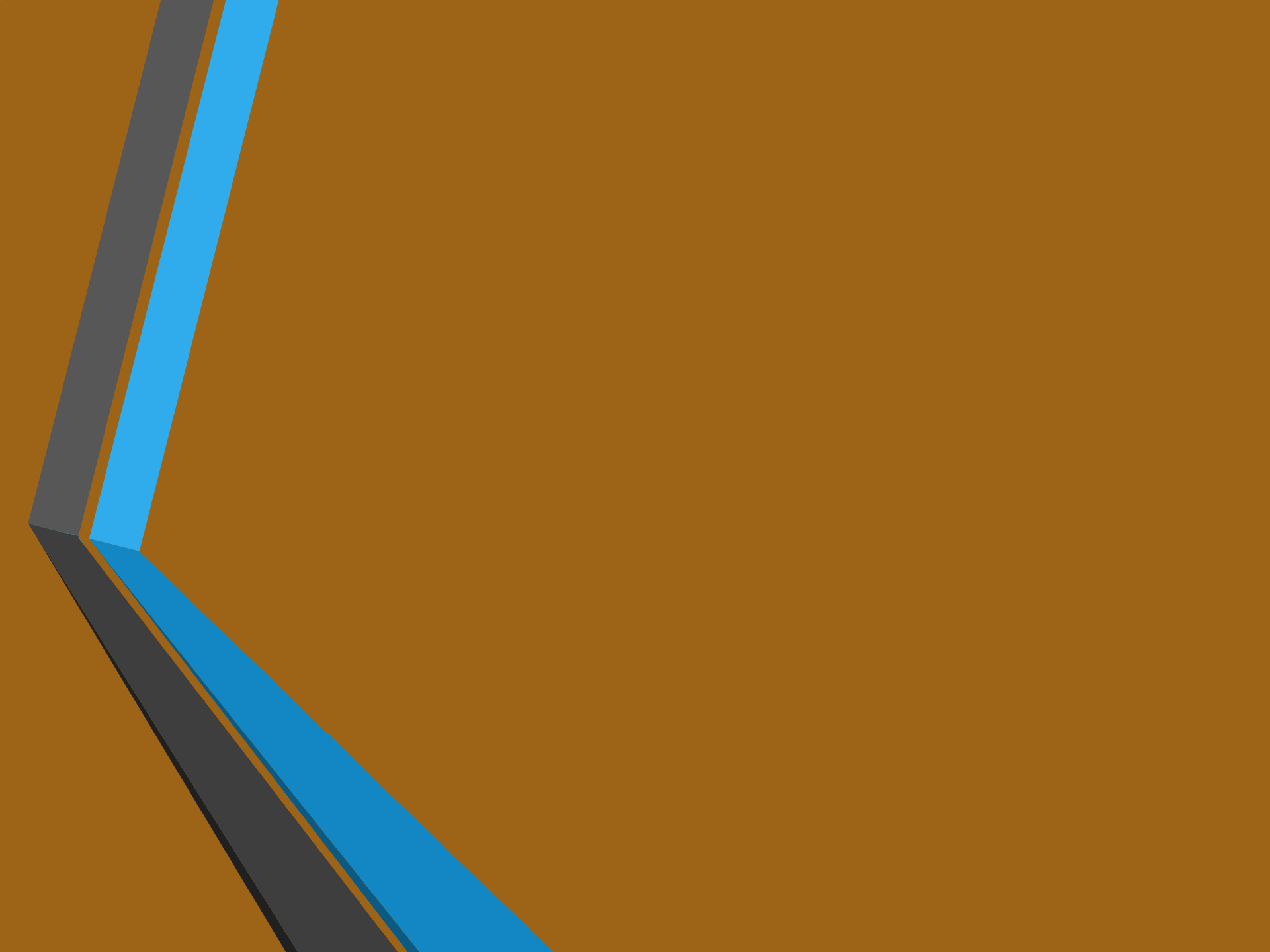
- **Important mechanism to engage community in government decision-making**
- **Clear guidance and tools are needed to support the maximum effectiveness of advisory bodies**
- **Relevant Program and PIAC experience and perspective**
- **Stay tuned: PIAC expects to bring complimentary recommendations Spring of 2018**

MAKING A CASE FOR THE PRODUCTS:

- **Standardized application**
- **Characteristics of advisory bodies**
- **Bylaws template**
- **Training materials**
- **Exit interviews template**
- **Memo regarding position to carry out work**

PROPOSED IMPLEMENTATION PLAN

- ONI/Ashley Horne will develop and execute an implementation plan
- Estimated implementation timeline of approx. 9 months
- ONI/Ashley Horne is working collaboratively with the City Attorneys Office/Judy Prosper to anticipate and respond to concerns and questions
- Questions: ashley.horne@portlandoregon.gov



UNIFORM APPLICATION

**CONSISTENCY OF
PROCESS**

**CONSISTENCY OF
DATA**

EXIT INTERVIEWS

**RICH DATA ON
ACCOMPLISHMENTS**

**RICH DATA FOR
IMPROVEMENT**

CITY BYLAWS

**CITY LEADS
VISION AND MISSION**

**BUREAUS OWN
SUPPORTING STRUCTURES**