

RESOLUTION No. 37390

Increase transparency and accountability in City operations by requiring that employees disclose outside work.

WHEREAS, the City of Portland is accountable to the people it serves; and

WHEREAS, the City is committed to strengthening public trust by taking all reasonable steps to prevent conflicts of interest from arising; and

WHEREAS, under Human Resources Administrative Rule (HRAR) 4.05 employees are required to disclose outside work to their supervisor "which may be directly or indirectly subject to the control, inspection, review or audit by the City," or which may "border on violating the above stated principles or may give the appearance of impropriety"; and

WHEREAS, HRAR 4.05 also requires employees to disclose to their bureau director in writing work which "entails responsibilities that include financial transactions or financial decisions involving funds received directly or indirectly from the City"; and

WHEREAS, the City's current rules place a burden on employees to evaluate their own work for potential conflicts according to a vague and complicated set of definitions, and to determine the appropriate disclosure; and

WHEREAS, employees are poorly-served by the City's current policies around outside activity and conflict of interest, which are spread across several sections of Code and Human Resources Administrative Rules and are difficult to interpret; and

WHEREAS, in 1994 the Portland City Council adopted, for the first time, an aspirational Code of Ethics which states that:

- The purpose of City government is to serve the public and City officials are to treat their office as a public trust,
- The City's powers and resources are used for the benefit of the public,
- City officials ensure public trust by avoiding even the appearance of impropriety,
- Open government allows citizens to make informed judgments and to hold officials accountable; and

WHEREAS, Multnomah County requires its employees to annually disclose whether they are engaging in outside work; and

WHEREAS, cities like Dayton, Ohio and Syracuse, New York have adopted model policies about outside work, and many jurisdictions require disclosure of outside work; and

WHEREAS, cities nationwide are acting to strengthen and clarify their outside work policies in light of conversation and debate about conflicts between the duties of public officials and their outside business enterprises at the federal, state, and local levels; and

WHEREAS, this conversation, and best practices from other jurisdictions, provide an opportunity for the City to clarify its own policies and rules in this area, ensuring we are upholding the highest ethical standards and serving the interests of the community; and

NOW, THEREFORE, BE IT RESOLVED, the Chief Administrative Officer (CAO) and the City Attorney shall jointly review and revise as necessary HR 4.05 to ensure:

- Required disclosure of all outside work, and compliance with the State Ethics Statute;
- Written approval in all circumstances for non-represented employees who wish to participate in outside work;
- Clarity for employees regarding their duties and responsibilities as public officials;
- Certainty that City officials are using their positions and public resources to benefit the public;
- Public access to information that will allow the community to hold public officials accountable; and

BE IT FURTHER RESOLVED, members of the Portland Police Association and Portland Police Commanding Officers Association will continue to follow policies regarding outside work as described in their collective bargaining agreements; and

BE IT FURTHER RESOLVED, the City Attorney and the CAO shall develop a clarified rule and training materials to help all public officials understand their responsibilities and ensure compliance, and shall consult with labor unions in advance of adoption and implementation; and

BE IT FURTHER RESOLVED, the City Attorney and the CAO shall return to Council in 90 days with an updated policy, training materials, and a disclosure form.

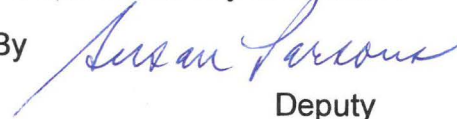
Adopted by Council: OCT 24 2018  
 Mayor Ted Wheeler  
 Commissioner Nick Fish  
 Commissioner Amanda Fritz

Prepared by: Sheila Panyam, Matt Farley  
 Date Prepared: October 16, 2018

**Mary Hull Caballero**

Auditor of the City of Portland

By

  
 Deputy

Agenda No.  
**RESOLUTION NO.**

37390

Title

Increase transparency and accountability in City operations by requiring that employees disclose outside work (Resolution)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioners Nick Fish and Amanda Fritz, Mayor Ted Wheeler</b>	CLERK USE: DATE FILED <u>OCT 16 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration – Wheeler <i>NAP</i> Position 1/Utilities - Fritz <i>Aud Fritz</i> Position 2/Works - Fish <i>Aud Fritz</i> Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u>Susan Parsons</u> Deputy
<b>BUREAU APPROVAL</b> Bureau: Office of Commissioner Fish Bureau Head: Sonia Schmanski Prepared by: Sonia Schmanski Date Prepared: 10/16/2018	<b>ACTION TAKEN:</b>
<b>Impact Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date <b>October 24, 2018</b>	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 10:15 AM</b> <b>Total amount of time needed: 30 Minutes</b> (for presentation, testimony and discussion)		YEAS	NAYS
<b>CONSENT</b> <input type="checkbox"/>	1. Fritz	1. Fritz	✓
<b>REGULAR</b> <input type="checkbox"/>	2. Fish	2. Fish	✓
<b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)	3. Saltzman	3. Saltzman	✓
	4. Eudaly	4. Eudaly	✓
	Wheeler	Wheeler	_____