

RESOLUTION No. 37413 As Amended

Adopt updated outside work policy, disclosure form, and training materials to increase transparency and accountability in City operations (Resolution; replace HRAR-4.05)

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, 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

WHEREAS, on October 24, 2018, the Portland City Council directed the Chief Administrative Officer (CAO) and City Attorney to update the City's outside work policy, develop a new disclosure form, and develop training materials for employees, and return to Council for approval of the new materials; and

WHEREAS, Council further directed that labor partners be consulted in advance of adoption and implementation; and

NOW, THEREFORE, BE IT RESOLVED, the materials attached as Exhibits A, B and C are approved and may be amended at the discretion of the CAO and City Attorney; and

NOW, THEREFORE, BE IT RESOLVED, once implemented newly hired employees shall complete the training and will be subject to the disclosure requirements as part of their onboarding with the City; and

NOW, THEREFORE, BE IT RESOLVED, following implementation, current employees shall complete the training and submit the disclosure form within 6 months; and

NOW, THEREFORE, BE IT RESOLVED, the disclosure form shall be submitted by employees every 3 years thereafter; and

NOW, THEREFORE, BE IT RESOLVED, the City shall not implement any changes to the current city rules and practices related to outside employment unless and until collective bargaining obligations, if any, are completed; and

BE IT FURTHER RESOLVED, this Resolution adopts an Administrative Rule.

Adopted by Council: FEB 06 2019
Commissioner Nick Fish

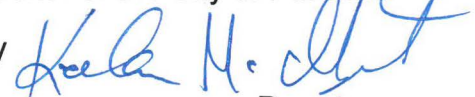
Mayor Ted Wheeler

Prepared by: Sonia Schmanski
Date Prepared: January 2, 2019

Mary Hull Caballero

Auditor of the City of Portland

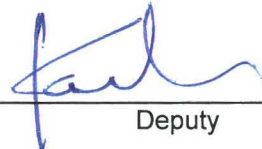
By



Deputy

97
 Agenda No.
RESOLUTION NO. 37413 As Amended
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioners Nick Fish and , Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>JAN 29 2019</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p>  By: _____ Deputy <p>ACTION TAKEN:</p>
<p>Mayor—Finance & Administration – Wheeler <i>KDD</i></p>	
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Fish <i>SMS for Nick Fish</i></p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Eudaly</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Office of Commissioner Fish Bureau Head: Sonia Schmanski</p>	
<p>Prepared by: Sonia Schmanski Date Prepared: 1/2/2019</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date 2/6/2019</p>	

AGENDA

TIME CERTAIN
Start time: 9:45 AM

Total amount of time needed: 20 Minutes
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	