



DEVELOPMENT REVIEW BOARD MEMBER WELCOME PACKET



CITY OF WILSONVILLE PLANNING DIVISION
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<https://www.ci.wilsonville.or.us/comm-dev/page/documents-reports-master-plans-and-maps>

2024 Scheduled Meeting Dates

**City of Wilsonville
2024 Scheduled Meeting Dates
DEVELOPMENT REVIEW BOARD – PLANNING COMMISSION**



<i>Development Review Board Panel A</i>	<i>Development Review Board Panel B</i>	<i>Planning Commission Committee for Citizen Involvement</i>
January 8, 2024	January 22, 2024	January 10, 2024
February 12, 2024	February 26, 2024	February 14, 2024
March 11, 2024	March 25, 2024	March 13, 2024
April 8, 2024	April 22, 2024	April 10, 2024
May 13, 2024	May 27, 2024*	May 8, 2024
June 10, 2024	June 24, 2024	June 12, 2024
July 8, 2024	July 22, 2024	July 10, 2024
August 12, 2024	August 26, 2024	August 14, 2024
September 9, 2024	September 23, 2024	September 11, 2024
October 14, 2024	October 28, 2024	October 9, 2024
November 11, 2024*	November 25, 2024	November 13, 2024
December 9, 2024	December 23, 2024	December 11, 2024

*City Holiday – alternate hearing dates may be scheduled.

Panel A Board Members	Panel B Board Members	Planning Commissioners
<p>Yara Alatawy Rob Candrian Jordan Herron Clark Hildum Jean Svadlenka</p>	<p>John Andrews Rachelle Barrett Megan Chuinard Alice Galloway Kamran Mesbah</p>	<p>Matt Constantine Ron Heberlein Nicole Hendrix Andrew Karr Samuel Scull Yana Semenova Jennifer Willard</p>

Planning Staff:

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Wilsonville Code Sections pertaining to Development Review
Board

2.330. Development Review Board Purpose and Members.

- (1) (a) There is hereby created a Development Review Board for the purpose of reviewing, and taking action on, quasi-judicial land use applications. In the interest of efficiency, the Development Review Board shall sit as two separate panels, each of which is hereby empowered to sit separately and make decisions or recommendations on applications. Each panel of the Development Review Board shall consist of five members who are not elected officials or employees of the City. One member of each panel shall be designated as a liaison to attend City Council meetings and represent the Development Review Board when applications previously reviewed by the Board require City Council action. The liaison position may be rotated among the Board Members.
 - (b) Except as provided in this subsection, members of the Development Review Board shall be residents of the City who are appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council. Provided, however, that for the purpose of encouraging participation by the Wilsonville business community, not more than one member of each Development Review Board panel may be appointed who does not reside within the City of Wilsonville if he/she is a property owner, or actively engaged in business or employment in the City.
 - (c) Not more than one member of each Development Review panel shall be engaged principally in the buying, selling or developing of real estate for profit as an individual, or be a member of any partnership or officer or employee of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than one voting member of each panel shall be engaged in the same kind of business, trade or profession.
- (2) Development Review Board members shall make every effort to attend all meetings of their respective panels and to notify the chair to prearrange absences other than emergencies. Unexcused absences from three meetings in any calendar year may be grounds for removal.
- (3) The members of one panel of the Development Review Board may replace absent members of the other panel at any meeting in order to assure that a quorum is present to conduct business. Three members shall constitute a quorum for each panel.
- (4) Each panel of the Development Review Board shall annually elect a person to chair meetings and a vice-chair, who shall be voting members. This election shall take place at the first regular meeting each year.
- (5) Notwithstanding the provision of two panels in Section 2.330(1) above, if the Planning Director and the Chair of each panel determine that a development application is of such a large scale that the public interests will be better served by combining the panels, the chairs may call the two panels together, en banc, to hear the application. Six members shall constitute a quorum when the two panels convene jointly.

(Ord. No. 453, 3-18-1996; Ord. No. 518, 4-17-2000)

2.331 Development Review Board Terms of Office.

Each member of the Development Review Board shall serve a two-year term, or until a successor is appointed. Provided, however, that the terms of two (2) of the members of each panel shall expire at the end of calendar year 1996, and the terms of three (3) members of each panel shall expire at the end of 1997. Any vacancy shall be filled for the unexpired term of the predecessor in the office. No member shall hold appointment for more than three (3) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year. However, an appointee may subsequently be appointed to a maximum of three consecutive two-year terms after completing the unexpired term of another board member.

(Ord. No. 453, 3-18-1996)

2.332. Development Review Board Powers and Duties.

- (1) Except as otherwise provided by law, it shall be the duty of the Development Review Board, and it shall have power to take action on all quasi-judicial land use applications assigned for review to the Planning Commission or Design Review Board in Chapter Four of this Code.
- (2) Applications to be reviewed by the Development Review Board typically include: subdivisions and major partitions, other than those processed as "expedited land divisions", planned developments, site level review of specific development proposals, design review applications, street naming and vacations, zoning variances and conditional use permits, and quasi-judicial amendments to Comprehensive Plan designations or zoning.
- (3) The Development Review Board shall conduct its meetings and deliberations in accordance with the laws of the State of Oregon and the Wilsonville Code.
- (4) All recommendations made to the Council by the Development Review Board shall be in writing, except under emergency circumstances, in which case the Planning Director, or the Director's designee, shall be authorized to convey such recommendations orally. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Development Review Board.
- (5) The Development Review Board shall have all the quasi-judicial powers which are now or may hereafter be given to land use hearings officers or planning commissions under the laws of the State of Oregon and the Wilsonville Code.
- (6) The Planning Director shall be responsible for determining whether an application is quasi-judicial or legislative in nature, after consultation with the City Attorney.

(Ord. No. 453, 3-18-1996)

2.333. Development Review Board Expenditures.

- (1) The Development Review Board shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.
- (2) Development Review Board members shall receive no compensation but shall be reimbursed for expenses.

(Ord. No. 453, 3-18-1996)

2.338. Referee Selection for Appeals of Expedited Land Division Decisions.

The Planning Director shall maintain a list of persons whom the Director has pre-qualified as having the requisite training, education, and experience to serve as referees for appeals of decisions on expedited land divisions, as provided in ORS 197.375. The rate of compensation shall also be established and listed by the Planning Director. Upon filing of an appeal of a decision on an expedited land division, the Planning Director shall select the referee to perform the personal hearing services at the established rates and at such times and places as the Planning Director shall determine. The list of referees and rates shall be reviewed at least annually by the Planning Director to provide current information.

(Ord. No. 453, 3-18-1996)

Rosters

City Council
Development Review Board Panel A
Development Review Board Panel B
Planning Commission

2024 ROSTERS

City Council

Julie Fitzgerald, Mayor
Kristin Akervall
Caroline Berry
Katie Dunwell
Joann Linville

Development Review Board, Panel A

Yara Alatawy
Rob Candrian
Jordan Herron
Clark Hildum
Jean Svadlenka

Development Review Board, Panel B

John Andrews
Rachelle Barrett
Megan Chuinard
Alice Galloway
Kamran Mesbah

Planning Commission

Matt Constantine
Ronald Heberlein
Nicole Hendrix
Andrew Karr
Samuel Scull
Yana Semenova
Jennifer Willard

Informational Pages from City's Annual Budget
City Information and Statistics



The City of Wilsonville is located in the State of Oregon, in the beautiful Pacific Northwest region of the United States of America. With a population of 27,414, it is a small but rapidly growing community with vibrant residential areas, thriving businesses, and a clear vision for its future.

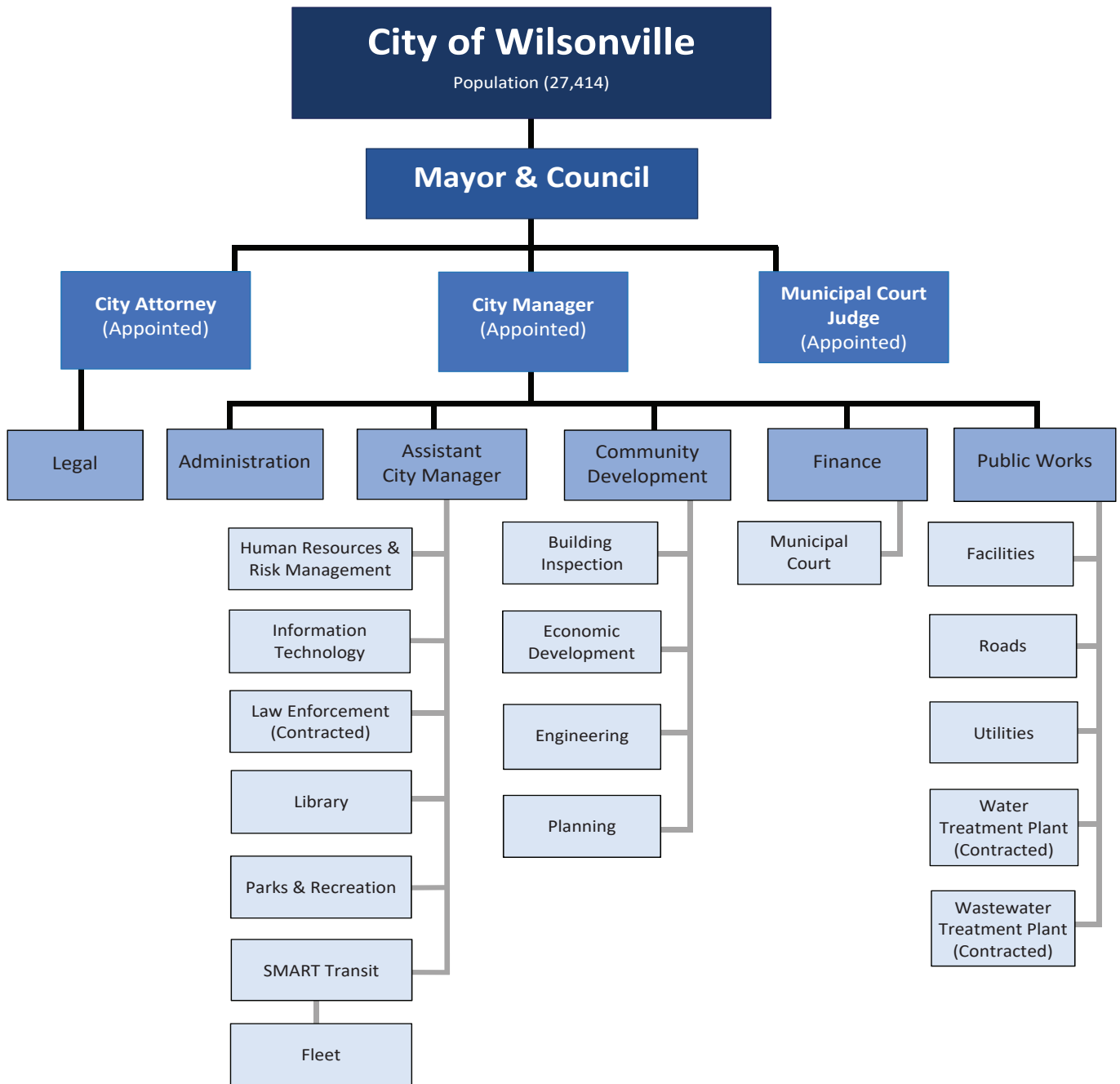
Oregon is one of only three states of the contiguous United States to have a coastline on the Pacific Ocean, shared with Washington to the north and California to the south. The Columbia River outlines much of Oregon's northern boundary, and the Snake River covers much of the eastern boundary. Oregon's ideal Pacific Coast location provides easy access between U.S., Asian, and European markets which makes it appealing to a wide range of business focused on international trading.

The City of Wilsonville is located along Interstate 5, mid-way between the State's largest city, Portland, and the State capital, Salem. It is approximately 20 miles south of Portland and 30 miles north of Salem. The City is located in two counties – on the western edge of Clackamas County and southeastern edge Washington County. Under Oregon law, each of the state's cities and metropolitan areas has created an urban growth boundary around its perimeter. The City of Wilsonville is included as part of the Portland metropolitan area's urban growth boundary.

The City is bisected by Interstate-5 and separated north and south by the Willamette River. Of historical note, the I-5 Bridge over the river is named the Boones Bridge after Alphonso Boone (grandson of Daniel Boone) and his son Jesse who started a river crossing ferry in 1847. This ferry provided an opportunity for the community of Boones Landing to form, which eventually became named Wilsonville after the first postmaster, Charles Wilson, on June 3, 1880. Wilsonville went on to grow with a railroad bridge built over the Willamette in 1908 to allow service to Salem, the state's Capitol. And, in 1954, Baldock Freeway, now known as I-5, was completed to include the Boones Bridge over the Willamette River providing transportation from the Mexican and Canadian borders.

Today, the City of Wilsonville has outstanding transportation accessibility and networks linking its citizens to the greater Portland area and to Salem. Despite its close proximity to Portland, however, the City should not be termed a bedroom community since its employment base tends to be as large as its population. The City is home to its own dynamic, growing, and diversified economy. The City's mix of businesses includes established international and regional employers. In addition, the City has a large base of small businesses, in a wide range of industries.

Wilsonville is home to a number of high-tech businesses and is perfectly situated for warehouse and distribution centers as the southern gateway into the Portland metropolitan area along the Interstate 5 (I-5) corridor. Several sizable employers have made Wilsonville their corporate headquarters with the largest being Siemens Mentor Graphics Corporation. There are also several large distribution centers including Coca-Cola Bottling Company, SYSCO Food Services of Portland Inc, and Columbia Distributing. The City is not dependent upon any one industry or company for economic vitality. A diverse range of employment is maintained across the estimated 16,000 employees working within the City limits. Further information can be found within the statistics on the following pages, including a table showing the City's top 10 employers as reported on in the City's prior year audited Annual Comprehensive Financial Report.



Boards & Commissions

- Arts, Culture, and Heritage Commission
- City Council
- Budget Committee
- Development Review Board
- Diversity, Equity, and Inclusion Committee
- Parks & Recreation Advisory Board
- Kitakata Sister City Advisory Board
- Library Board
- Planning Commission
- Tourism Promotion Committee
- Urban Renewal Agency
- Wilsonville-Metro Community Enhancement Committee

Mission Statement & Values

Mission Statement

To protect and enhance Wilsonville’s livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Values

Diversity, Equity + Inclusion (DEI)

We are committed to promoting DEI in the delivery of City services to the community and in our organizational operations.

Sustainable

We are sustainable in the delivery of services by being good financial stewards and innovative in our approaches to service delivery to the community.

Economic Opportunity

We are committed to strategically growing Wilsonville’s economy providing economic opportunity for all.

Environment

We are good stewards of our environment by modeling practices and embracing policies that preserve and protect the natural environment.

Safety

We are committed to creating a safe, livable community for all by providing a physically safe environment and ensuring people feel psychologically safe.



The City Council and Executive Team worked together to identify goals and strategies for 2021-2023 that will build on the work and success of previous years, while also addressing new challenges and shifting community needs. The City will begin work on these goals in addition to maintaining high-quality core City services and completing prior goals and work plans that are still in progress.

Goal 1: Increase mobility for all in Wilsonville

- Advocate at the federal, state and regional level to complete the Boone Bridge replacement.
- Pursue a legislative strategy to support aligning the SMART service boundaries with the City limits.
- Work with ODOT to incorporate the French Prairie bridge crossing into the Boone Bridge project.
- Leverage existing City funds to attract outside funding for the I-5 bike and pedestrian bridge.
- Implement existing transportation plans and advance planning efforts to improve our local transportation network.

Goal 2: Support local business recovery post-pandemic

- Develop programs for business support using ARPA funds.
- Convene the Chamber of Commerce and Small Business Development Center (SBDC) to assess local business needs and available resources.

Goal 3: Expand home ownership for lower income levels and first-time home buyers

- Continue implementation of the City's Equitable Strategic Housing Plan (ESHP) and explore funding options including Construction Excise Tax (CET), Vertical Housing Development Zone (VHDZ), etc.
- Explore examples of other programs to support home ownership for low-income residents and first-time home buyers as part of the Frog Pond East and South Master Plan.
- Develop a concept plan, zoning strategy, public outreach, identify partners, pursue grant funding, and draft development agreement for a transit-oriented development (TOD) project at WES Transit Center site.

Goal 4: Attract high quality industry and economic opportunity to Wilsonville

- Leverage the Coffee Creek Urban Renewal District with the goal of attracting new industry that pays family-wage jobs in two years.
- Advance the existing strategy for recruitment and expansion of the City's industrial areas.
- Develop a land aggregation strategy and conduct outreach with property owners to explore longterm plans in Basalt and Coffee Creek.
- Identify and convene key stakeholders for workforce development to understand challenges, gaps and opportunities to support local high-paying jobs for the Wilsonville community.
- Conduct outreach to help us prioritize infrastructure investments in the industrial area to expedite private investment.

Goal 5: Align infrastructure plans with sustainable financing sources

- Conduct a financial analysis to explore costs and revenue options to fund the City's major infrastructure projects that are currently without identifiable funding.
- Update the urban renewal strategic plan.
- Establish the Arts and Culture Board and fund a feasibility study for performing arts facility.

Goal 6: Engage the community to support emergency preparedness and resiliency

- Work with emergency response providers to identify gaps and enhance Wilsonville's emergency preparedness planning for all types of emergencies/ disasters.
- Connect the community (residents and businesses) with emergency response resources and educational materials to improve individuals' response planning.

Goal 7: Protect Wilsonville's environment and increase access to sustainable lifestyle choices

- Update the City's Comprehensive Plan to include a section on the environmental impacts of the Aurora State Airport.
- Participate in the Aurora State Airport planning discussions to represent Wilsonville's environmental interests.
- Develop a Wilsonville climate action strategy in alignment with Clackamas County's planning efforts.
- Explore options to expand access to urban gardening and other sustainable lifestyle choices.
- Continue implementation of Wilsonville's existing environmental programs and practices.

City History Timeline

1968	<ul style="list-style-type: none"> Wilsonville incorporates on October 17, 1968. 	1988	<ul style="list-style-type: none"> Recession ends, bringing an unprecedented boom in housing and population. 	2002	<ul style="list-style-type: none"> Wilsonville's water treatment plant becomes operational.
1969	<ul style="list-style-type: none"> Wilsonville citizens vote to adopt the City's first charter. 		<ul style="list-style-type: none"> Wilsonville becomes Oregon's fastest growing city. 	2003	<ul style="list-style-type: none"> Expanded library opens.
1970	<ul style="list-style-type: none"> Developers announce plans for a major residential subdivision known as Charbonneau. 	1990	<ul style="list-style-type: none"> New library opens. 		<ul style="list-style-type: none"> Argyle Square opens, greatly expanding Wilsonville's retail sector with Costco and Target as anchor stores.
	<ul style="list-style-type: none"> Population approximately 1,000. 	1991	<ul style="list-style-type: none"> Population: 7,705 		<ul style="list-style-type: none"> The newly constructed SMART Operations Center and Fleet Facility opens.
1971	<ul style="list-style-type: none"> Charbonneau is annexed into Wilsonville. At build-out, it will have 1,700 housing units and 3,500 residents. City Council adopts a "General Plan" for growth. 	1992	<ul style="list-style-type: none"> Arlene Loble hired as City Manager. Town Center Shopping Center opens. 	2004	<ul style="list-style-type: none"> Property acquired for future multi-modal transportation center. This land will become the southern terminus of the proposed commuter rail, Trimet's WES Train.
1972	<ul style="list-style-type: none"> Marge Heintz, City Recorder, is hired as Wilsonville's first full-time employee. 	1993	<ul style="list-style-type: none"> Serial levy failure forces a \$1 million budget cut and reorganization of departments. Voters approve creation of an Urban Renewal District and a bond measure for a new high school. 	2005	<ul style="list-style-type: none"> Construction begins at Villebois with 60 homes. When finished, it will boast 2,700 homes as well as parks and retail space.
1975	<ul style="list-style-type: none"> City Hall moves to a trailer on Parkway Avenue. 	1994	<ul style="list-style-type: none"> Wilsonville Area Rapid Transit becomes SMART (South Metro Area Regional Transit). 	2006	<ul style="list-style-type: none"> Population: 16,510 Murase Plaza opens featuring a water park, unique play structures and restrooms.
1979	<ul style="list-style-type: none"> City signs first contract with Clackamas County Sheriff's Office for police services. 	1995	<ul style="list-style-type: none"> Wilsonville High School opens. 		<ul style="list-style-type: none"> A new City Hall building opens at Wilsonville Road and Town Center Loop.
1980	<ul style="list-style-type: none"> Wilsonville adopts its first Comprehensive Plan. Population: 2,920 	1996	<ul style="list-style-type: none"> Charlotte Lehan elected Mayor. 	2007	<ul style="list-style-type: none"> Public Works and Police Department relocated to the old City Hall building.
1982	<ul style="list-style-type: none"> Voters approve Wilsonville's first tax base: \$300,000. Wilsonville's first library opens. 	1998	<ul style="list-style-type: none"> City Council imposes moratorium on new development until a new long-term water supply is identified. 	2008	<ul style="list-style-type: none"> Tim Knapp elected Mayor.
1983	<ul style="list-style-type: none"> A new City Hall building opens. 	1999	<ul style="list-style-type: none"> City voters approve the Willamette River as Wilsonville's new long-term water source. 	2009	<ul style="list-style-type: none"> Local voters approve the creation of a county library district.
1984	<ul style="list-style-type: none"> Voters approve a tax base amendment to incorporate a serial levy for senior services into the base. 	2000	<ul style="list-style-type: none"> Construction begins on State of Oregon women's prison and on water treatment facility on the Willamette River. Voters approve \$4M library expansion bond. Population: 13,615 	2010	<ul style="list-style-type: none"> WES Commuter Rail begins Operations. Fred Meyer/Old Town Square development begins construction.
1986	<ul style="list-style-type: none"> Pete Wall hired as Wilsonville's first City Manager. 	2001	<ul style="list-style-type: none"> Construction begins on library expansion. Women's prison facility completed and begins accepting inmates. 	2011	<ul style="list-style-type: none"> Population: 19,525 Bryan Cosgrove hired as City Manager. Old Town Square opens, featuring a 210,000 square foot Fred Meyer store.
1987	<ul style="list-style-type: none"> Voters approve a bond measure to pay for a new library and park improvements. 				

City History Timeline

<p>2012</p>	<ul style="list-style-type: none"> • Oregon Institute of Technology opens its Wilsonville campus. 	<p>2017</p>	<ul style="list-style-type: none"> • In order to relieve congestion, the City begins expansion of main connector streets, including Boones Ferry to Brown Road and Kinsman Road. 	<p>2020</p>	<ul style="list-style-type: none"> • State of emergency declared in response to COVID-19.
<p>2014</p>	<ul style="list-style-type: none"> • Lowrie Primary School K-5 opens. 	<p>2018</p>	<ul style="list-style-type: none"> • Meridian Creek Middle School opens. 	<p>2021</p>	<ul style="list-style-type: none"> • Oregon wildfires burned over 1,000,000 acres of land.
<p>2015</p>	<ul style="list-style-type: none"> • The City's Wastewater Treatment Plant is upgraded and expanded. 	<p>2019</p>	<ul style="list-style-type: none"> • Council approves a \$1,054,000 library remodeling project. 	<p>2022</p>	<ul style="list-style-type: none"> • Population: 26,664
<p>2016</p>	<ul style="list-style-type: none"> • Substantial work begins on the Basalt Creek Concept Plan and Frog Pond Area Plan. 		<ul style="list-style-type: none"> • City starts using zero emission battery electric bus. 		<ul style="list-style-type: none"> • Julie Fitzgerald elected Mayor.
<p>2016</p>	<ul style="list-style-type: none"> • Population: 22,700 		<ul style="list-style-type: none"> • NW Natural Street of Dreams event was held in Frog Pond development with 6 homes valued at over \$4 million. 		<ul style="list-style-type: none"> • 12,000 sq. foot nature play area opens in Memorial Park.
<p>2016</p>	<ul style="list-style-type: none"> • TVWD and the City of Hillsboro partner to extend Willamette River water into Washington County. 				<ul style="list-style-type: none"> • Construction begins on a new Public Works complex.



Construction begins on new Public Works complex. Photo credit: Emerick Construction.

About Wilsonville

City Statistics - Services

Description	Base Year 2020	Year 2022	% Change	Source
Culture and recreation:				
Libraries	1	1	0%	City Library
Parks/open space acreage	253	253	0%	Parks Department
Parks	16	18	13%	Parks Department
Water features	4	4	0%	Parks Department
Soccer fields	3	3	0%	Parks Department
Baseball fields	5	5	0%	Parks Department
Tennis courts	2	2	0%	Parks Department
Basketball Courts	6	6	0%	Parks Department
Skate parks	2	2	0%	Parks Department
Playgrounds	17	17	0%	Parks Department
Docks (city property)	1	1	0%	Parks Department
Community centers	1	1	0%	Community Services
Golf Courses (private)	1	1	0%	Business license
Movie screens (private)	9	9	0%	Business license
Amusement centers (private)	1	1	0%	Business license
Restaurants (private)	71	72	1%	Business license
City utilities:				
Water:				
Production capacity	15 mgd	15 mgd	0%	Public Works
Peak capacity demand	10.9 mgd	10.8 mgd	-1%	Public Works
Storage capacity	10 mg	10 mg	0%	Public Works
Number of reservoirs	4	4	0%	Public Works
Miles of water pipeline	136	137	1%	Public Works
Customers	6,844	7,102	4%	Utility Billing
Wastewater:				
Treatment design capacity	4 mgd	4 mgd	0%	Public Works
Average daily treatment	2.094 mgd	2.3 mgd	10%	Public Works
Miles of sewer pipeline	88	88	0%	Public Works
Biosolids, tons/day	2.3	1.2	-48%	Public Works
Lift Stations	9	9	0%	Public Works
Stormwater:				
Average rainfall, inches	43	43	0%	www.bestplaces.net
Miles of storm sewers	81	85	5%	Public Works
Stormwater catch basins	2,325	3,170	36%	Public Works
Manholes	2,336	2,549	9%	Public Works
Detention Ponds	10	10	0%	Public Works
Street lights:				
Number of lights	3,645	3,093	-15%	Public Works
Number of streetlight poles	2,717	2,805	3%	Public Works
Public Safety:				
Police calls - public initiated	6,574	7,983	21%	Clackamas Co Sheriff
Number of sworn officers	19	22	16%	Clackamas Co Sheriff
Fire stations	2	3	50%	Fire District

LEGEND

mg = million gallons

mgd = million gallons per day

About Wilsonville

City Statistics - Services

Description	Base Year 2020	Year 2022	% Change	Source
Public Transportation:				
City operated:				
Fixed routes (daily)	9	8	-11%	City Transit
Demand based trips (annually)	12,698	9,443	-26%	City Transit
Number of riders (annually)	240,357	157,502	-34%	City Transit
Miles driven (annually)	719,313	643,128	-11%	City Transit
Inter-City Connections:				
City of Canby - local trips (daily)	12	12	0%	City Transit
City of Salem - local trips (daily)	10	10	0%	City Transit
Tualatin P&R - daily round trips	35	30	-14%	City Transit
Streets:				
Centerline miles	85	86	1%	Public Works
Signal lighted intersections	23	24	4%	Public Works
Freeway interchanges	3	3	0%	Public Works
Bridges	4	5	25%	Public Works
Street trees	24,289	24,043	-1%	Public Works
Signs	4,942	5,227	6%	Public Works
Public Schools:				
Elementary schools	3	3	0%	School District
Middle schools	2	2	0%	School District
Charter schools	1	1	0%	School District
High schools	1	1	0%	School District
Building Permits:				
Commercial, units	214	274	28%	Building Dept.
Commercial, value	\$32 million	\$137 million	328%	Building Dept.
Residential, units	113	109	-4%	Building Dept.
Residential, value	\$22 million	\$20 million	-9%	Building Dept.

		2021-22	
Employer	Type of Business	Number of Employees	Percentage
			of total City employment*
Siemens Mentor Graphics Corporation	CAD software systems	1,153	7.6%
Coca Cola Bottling Company	Bottling & distribution center	637	4.2%
Collins Aerospace	Aerospace technology	586	3.8%
Sysco Food Services of Portland Inc.	Warehouse & distribution center	438	2.9%
Columbia Distributing	Warehouse & distribution center	400	2.6%
Flir Surveillance Inc.	Image equipment manufacturer	335	2.2%
Costco Wholesale	Wholesale retail	332	2.2%
DW Fritz Automation	Advanced manufacturing solutions	266	1.7%
TE Connectivity	Consumer electronics company	265	1.7%
Fred Meyer	Grocer	257	1.7%
		4,669	30.7%

*total employment for 2021-22 was 15,224

About Wilsonville

City Statistics - Demographics

Wilsonville’s demographics are unusual in that home values and education levels are higher than national or regional averages. In addition, average wages exceed those of the metropolitan tri-county area. Wilsonville is a relatively wealthy community with a vibrant business community and is both a great place to raise a family and a great place in which to retire.

Except as noted, the statistics below are from the 2020 U.S. Census.

Incorporated	1968	From US Census:	2010	2020
Area in square miles	7.8	Population	19,509	26,664
Government	Council/Mgr	Adult education level:		
Registered voters 2020	16,837	High school or higher	89%	96%
Voted in November 2020	87%	Bachelor's degree or higher	38%	45%
		Race:		
Population: July 2022 (PSU est.)	27,414	White	79%	80%
		Hispanic	12%	13%
Median home cost:		Asian	4%	4%
2000 census	\$227,900	Black or African Amer.	2%	2%
2015 (zillow.com)	\$445,200	Other	3%	1%
2016 (zillow.com)	\$402,000	Age and Gender:		
2017 (zillow.com)	\$416,800	0 to 19 years	24%	22%
2018 (zillow.com)	\$418,600	20 to 44 years	39%	39%
2019 (zillow.com)	\$447,805	45 to 64 years	24%	24%
2020 (zillow.com)	\$475,870	65 years and over	13%	15%
2021 (zillow.com)	\$501,270	Median age (years)	36	37
2022 (zillow.com)	\$638,861	Male	9,084	11,201
Assessed values (November 2020):		Female	10,425	13,212
Real Property	92%	Income - Households:		
Personal Property	6%	Less than \$25,000	20%	6%
Public Utility	2%	\$25,000 to \$49,999	26%	6%
Manufactured Structure	0%	\$50,000 to \$74,999	17%	11%
Real Property	\$3,848 million	\$75,000 to \$99,999	15%	6%
Personal Property	\$243 million	\$100,000 or more	22%	71%
Public Utility	\$74 million	Households:		
Manufactured Structure	\$3 million	Total Households	8,405	9,685
Local businesses:		with individuals <18 yrs	28%	28%
Licenses issued (2022)	1,102	with individuals >60 yrs	25%	36%
Employees (est.)	17,311	Average household size	2.31	2.37
Annual payroll (est.)	\$1.2 billion			

Sources: U.S. Census Bureau, Census 2000, 2010, 2020 / Portland State University Population Research Center
Clackamas County & Washington County Elections, official results

Documents relative to "Statement of Economic Interest" filers

DRB Members,

ORS 244.050 specifically identifies certain public officials who are required to complete and file an Annual Verified Statement of Economic Interest (SEI) form with the Oregon Government Ethics Commission (OGEC). Your position with the City of Wilsonville requires you to file. You have 90 days from the date you received a system-generated email from OGEC to create a username, password, confirm your pre-filled personal profile information is correct, and electronically submit to the OGEC.

You should have received an invite token from the OGEC.

If you have not already done so, please click on the link below to enter the system and create your account now.

<https://apps.oregon.gov/OGEC/EFS/SEIAccount/SEIInvite?confirmationCode=ARN1CCJ>

All filings are submitted electronically through the Commission's Electronic Filing System (EFS). SEI filings are due on April 15 of each year. You will be notified by system-generated email when the filing window is open to you.

OGEC can be reached directly for questions or information at:

[Oregon Government Ethics Commission](#)

Address: 3218 Pringle Rd SE, STE 220

Salem OR, 97302-1544

Phone: 503-378-5105

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/OGEC

Please do not fail to respond to the email notification! ORS 244.350(4)(c) prescribes assessment of a penalty of \$10 for each of the first 14 days the SEI is late and \$50 for each day thereafter that passes after the filing deadline date, up to a maximum of \$5000.

- You are required to electronically file **no later than April 15th**. Please contact the Commission at 503-378-5105 if you have questions. The electronic filing system is available 24-hours a day and 7 days a week. **There is no exception to the April 15 filing deadline, even though it may fall on a holiday or weekend.**

YouTube Video Tutorial Link for SEI Filers:

<https://youtu.be/YQf8zYPZ0Nk>



Statement of Economic Interest Filer

Electronic Filing System Instructional Handbook

Oregon Government Ethics Commission
3218 Pringle Rd SE, Ste 220
Salem OR 97302-1680
Phone: 503-378-5105
www.oregon.gov/OGEC

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DISCLAIMER

This training material is issued by the Oregon Government Ethics Commission (Commission) pursuant to ORS 244.340 Continuing Education Program. This publication is intended for educational and training purposes only and should not be used as a substitute for a review of the specific statutes and rules. There may be other laws or regulations not within the jurisdiction of the Commission that apply to actions or transactions described in this training material. Do not reproduce or distribute without the express written permission of the Commission.

There are approximately 5,500 Oregon public officials who must file an Annual Verified Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission by April 15 of each calendar year.

Public officials who are required to file reports are specified in ORS 244.050.

Please refer to that section of the law to see if your specific position requires you to file these forms. In general, public officials who hold the following positions are required to file:

- State public officials who hold elected or appointed executive, legislative or judicial positions. This includes those who have been appointed to positions on certain boards or commissions.
- In counties, elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file, as do planning commission members and the county's principal administrator.
- In cities, all elected officials, the city manager or principal administrator, municipal judges and planning commission members must file.
- Administrative and financial officers in school districts, education service districts and community college districts must file.
- Some members of the board of directors for certain special districts must file.
- Candidates for some elected public offices are also required to file.

The Commission staff has identified the positions held by public officials who must file the SEI form and has them listed by jurisdiction. Each jurisdiction [city, county, executive department, board or commission, etc.] has a person who acts as the Commission's point of contact for that jurisdiction [OAR 199-020-0005(1)].

The contact person, otherwise known as the **Jurisdictional Contact, or JC**, for each jurisdiction has an important role in the annual filing of the SEI forms. It is through the contact person that the Commission obtains the name and email address of each public official who is required to file. When there is a change, through resignation, appointment or election, in who holds a position, the **Jurisdictional Contact** makes the necessary changes in the Electronic Filing System. **If there is a change in the filer's email address, it is the filer's responsibility to make the change in their personal account.**

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirement to complete and submit the SEI form by April 15. Those public officials who must file a SEI form are well served if the **Jurisdictional Contact** ensures that the email address entered for the public official is one that is checked regularly. It can be a personal email address.

HOW TO CREATE YOUR USER PROFILE

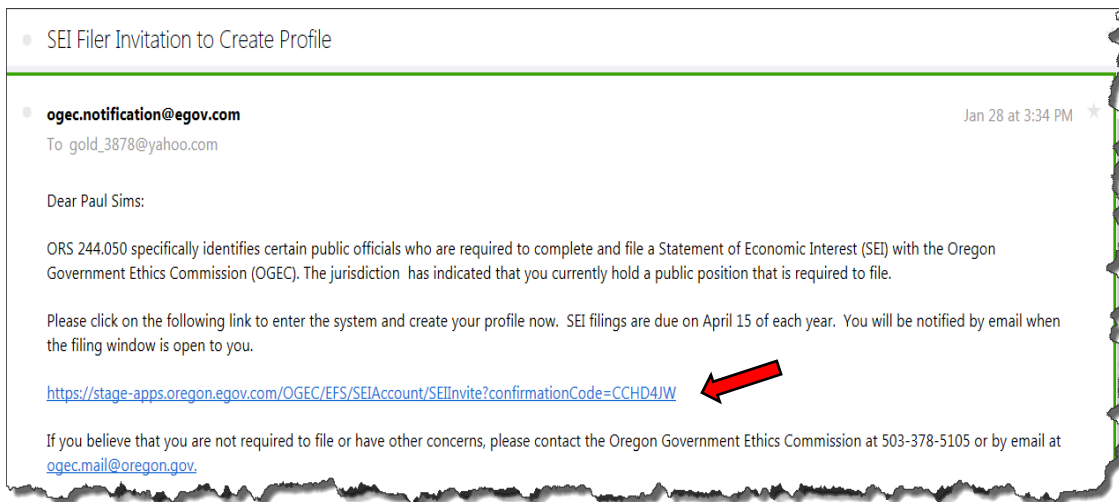
NOTE: You will only have 90 days to create your personal account. If you have any additional filing requirements under ORS Chapter 244, each assignment by a Jurisdictional Contact will list your positions in your one personal account profile. Once you have created your initial new account, if you hold more than one position, all positions should be located under Current Positions Held. Verify that they are listed. If not, notify the Jurisdictional Contact for the missing position.

You will have only one user profile and account regardless of how many positions you hold as a required filer, or if you leave your position as a required filer and take another required filer position at a later date.

How to get started?

1. Locate the system-generated email from the Oregon Government Ethics Commission.

Locate the email link within the email.



2. Click on the link or copy the link into your web browser address bar. It will open the default web browser on your system and present the "Create a New Account" interface. Complete all fields. Many of the fields are prepopulated with information provided during seat/position assignment process. The User Name field is not changeable due to security reasons. Contact the Oregon Government Ethics Commission administration if you have questions.

3. To complete this process you will:

- Select a user name; this is not changeable.
- Select a password. Passwords must have a minimum of:
 - ✓ One upper case letter
 - ✓ One lower case letter
 - ✓ One numerical digit, and
 - ✓ One special character- *Refer to special character list in text help.*
 - ✓ Must be at least 8 and not more than 20 characters long.
- Create two password security questions. For password retrieval purposes, the security question answers are **case and space sensitive**. Note: If your security question answer contains more than a one word answer, you will need to remember to include all spaces, punctuation, special characters, etc. that you used.
- Verify the pre-populated personal profile information is correct. **It is the SEI filer's responsibility to maintain their profile information.**
- Have the option of identifying an alternate contact person to receive duplicates of the email reminder notices sent to you in your position(s) as a SEI filer.

4. After confirming all information is correct, select **CONTINUE**.

5. Verify Registration. You will now be asked to verify your personal profile information. Select **CONTINUE**.

6. Confirmation. If you have successfully registered, the **CONFIRMATION** page will appear naming the jurisdiction you have registered for. You will receive a system-generated email confirming that you have successfully registered.

7. Once you have created your personal profile, you will now select **GO TO MY ACCOUNT** to view your account.

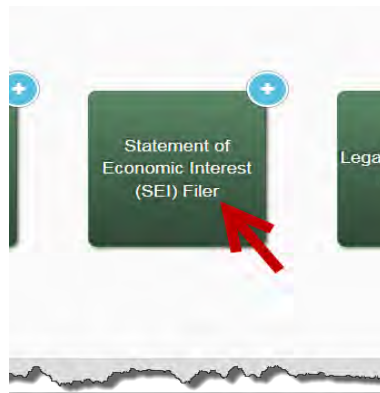
NOTE: You can edit only your own personal profile information. You cannot substitute another individual to your assignment. When you need to change personal information, such as mailing address or email address, click on the drop down arrow next to your name in the upper right corner of your account page. Choose "Edit My Profile."

LOGGING INTO THE ELECTRONIC FILING SYSTEM

When logging into the system after the initial account creation, you will be directed to the SEI dashboard.

Future logins will direct you to the “**Choose Role**” page first, where you will select your role. Available roles have a checkmark. Roles that may be added have a plus mark.

Select the “**Statement of Economic Interest (SEI) Filer**” role to get to the SEI dashboard.



DASHBOARD

The Dashboard provides access to your **Reports**, **Documents** uploaded to support your report, and email **Communications** sent by the system. Upon initial login creation, you will be taken directly to your SEI dashboard; thereafter, you must select your role before entering the dashboard.

If you hold other roles, you will have a separate dashboard for each of those roles.

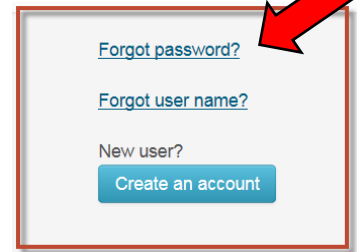
1. You may navigate between views of your dashboard by using the tab based system. The default view will be the **Reports** tab.
2. Any email notices sent by the system will be viewable in the **Communications** tab. Click on the **Subject** link to view the text of the communication.
3. **Documents** are anything provided to the agency as part of your report filing. The system does not allow direct upload of documents by the filer for security purposes, but documents may be sent to the agency at ogec.mail@oregon.gov noting the SEI filer name, Jurisdiction, report year, and requesting the document be attached to your filing. The OGEC Administrator will then attach the document to the filed report. Documents may be viewed through the **Documents** tab.

FORGOT PASSWORD

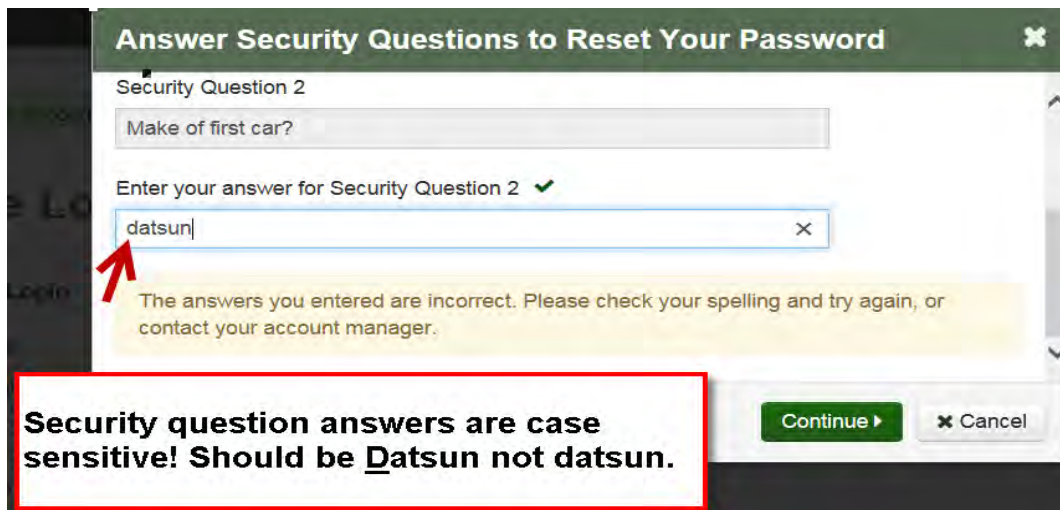
1. From the Electronic Filing System Sign In page, select the **“Forgot password?”** navigation link.

2. **“Forgot Your Password”** window displays.

3. Enter your user name. Select **Reset Password**



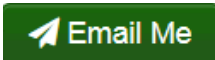
4. Answer security questions. Security question answers are case and space sensitive. If your security question answer contains more than one word, you will need to remember to include all spaces, punctuation, special characters, etc. that you used.



5. Select a new password. Passwords must contain at least 8 characters, at least one upper case letter, at least one lower case letter, at least one number and at least one special character. Passwords are case sensitive.

6. If you have trouble with the reset, call OGEC staff at 503-378-5105 who can send you a reset directly.

FORGOT USERNAME

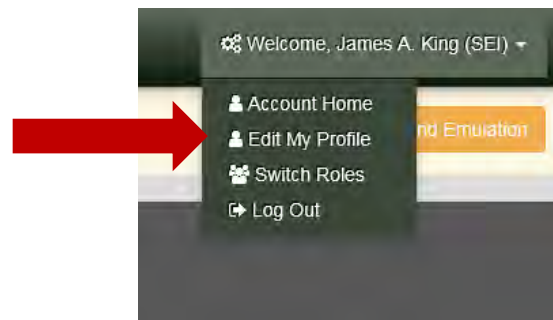
1. From the Electronic Filing System Sign In page, select the “**Forgot username?**” navigation link.
2. “**Forgot Your Username**” window displays.
3. Enter your email address. Select  **Email Me**
4. You will be routed back to the Sign In page. A system generated message will appear in the body of the page. The message should read: “We found an account for, *your email address appears here*. An email will be sent to that address.”
5. The system will generate an email from ogec.notification@egov.com. The message states the purpose of receipt of this email is to respond to a request for your username. This email will provide all usernames listed under the email address used.
6. Select the username for your SEI account.

FORGOT SECURITY QUESTION ANSWERS

You will need to request a password reset.

1. Email or call Administrative staff at the Commission.
2. Your email request must specifically request a password reset.
3. A system-generated email will notify you of a request to reset the password. You will receive instructions in this email to log into the Electronic Filing System to create a new password. This reset request is only active for **24 hours**.

4. In the system header (top right corner of the web page), locate the drop down arrow next to your name. Click on **“Edit My Profile”** to view and edit your account.



5. Select **“Security Questions”**
6. View and amend your security questions.
7. Select Save and Return.

HOW TO REQUEST RESIGNATION OF POSITION

Contact the Jurisdictional Contact assigned to the jurisdiction(s) in which you are elected or appointed, and advise them of your resignation.

You will not have the option of resigning and removing yourself in the Electronic Filing System.

If you hold the position on April 15th of the required filing period, you will be responsible for filing the required report.

Example: If you held a position anytime during the period of April 16th of the previous year through April 15th of the current year, you would be required to file the SEI. If however, you resigned your position on April 14th or before, you would not have a filing requirement. If you have any questions regarding the filing requirements found in ORS Chapter 244, contact staff at the Oregon Government Ethics Commission.

Once the Jurisdictional Contact has removed you from the assigned position, you will receive a system-generated email advising you of this action.

HOW TO REQUEST APPOINTMENT OF POSITION

Contact the Jurisdictional Contact assigned to the jurisdiction(s) in which you are elected or appointed to advise them of your appointment.

You will not have the option of adding yourself in the Electronic Filing System.

Once the Jurisdictional Contact has assigned you to your position in the system, you will receive a system-generated email invitation to create your personal profile account.

TOKEN ID INSTRUCTIONS FOR SEI FILER

The “Invite Token” is a system-generated confirmation code.

If you cannot locate your system-generated email invitation from the Oregon Government Ethics Commission, ogec.notification@egov.com, with your invitation link, the following instructions will guide you through the registration process using the **invite token**.

To obtain the **invite token**, contact the Jurisdictional Contact assigned to the jurisdiction(s) in which you are elected or appointed or the Oregon Government Ethics Commission 503-378-5105. You will use the system-generated **invite token** to register. Once you have this code, follow these steps:

NOTE: You will only have 90 days to create your account.

1. Log into the Oregon Government Ethics Commission Electronic Filing System <https://apps.oregon.gov/OGEC/EFS>
2. From the Welcome page, select the “Register as a new user” navigation link.
3. From the “Choose Role” page, select the “Statement of Economic Interest (SEI) Filer” role.
4. In the SEI Filer Name field, key in the invite token code.



The screenshot shows a registration form with a dark green header that reads "Please Enter your SEI Filer Name" with a close button (X). Below the header is a text input field labeled "SEI Filer Name" containing the text "CM5GJF4". A red arrow points from the text "Token ID" to the input field. At the bottom of the form are two buttons: "Continue Registration" with a right-pointing arrow and "Cancel" with an X icon.

5. Select Continue Registration.

DATE OF APPOINTMENT

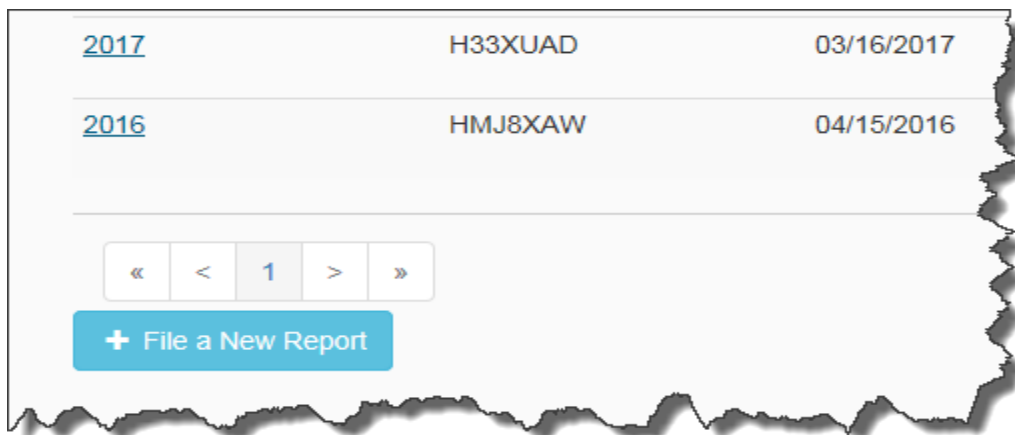
The Jurisdictional Contact enters the date of appointment information when inviting you to create an account. If you believe that it is incorrect, contact the JC who can make the correction.

FILING A REPORT

Reports are filed annually. If there is a reporting requirement, and when the filing window is open, you will receive an email notice from the system sent to the email address you have on file in your account. If you do not hold the office on April 15th of the current year, and the JC has removed you from the assignment prior to April 15th, you will not have a requirement to file.

You may be precluded from filing based on the appointment date entered when the registration was created. The system will determine if there is a filing requirement and make the option available. If there is no filing requirement, the option to file will not be available.

1. Log into the Oregon Government Ethics Commission- Electronic Filing System <https://apps.oregon.gov/OGEC/EFS>
2. Select SEI role, and from the Reports view of Dashboard, select the **File a New Report** button at the bottom of the screen.



3. If you have filed electronically in past years, this report will pre-populate with last year's information that you entered, and default to the current year's report. Review and make any necessary changes.
4. Complete all sections of the form. If you have nothing to report for a section, select the **Check here for none** checkbox. Note that for each section where you do have information, click the **Add an Item** button. You may enter as many items as necessary. Each new row is added independently.

OREGON.GOV

Welcome, Sue Lewis - Log Out

Oregon Government Ethics Commission - Electronic Filing System

SEI Report for 2014

SEI Report for 2014

Current Positions Held

- CITY MANAGER, EUGENE - Appointed 3/16/2014

You currently have no candidate positions

Business Office or Directorship

Check here for none


ⓘ A. If you or a member of your household were an officer or director of a business during 2014, please indicate that information below.

Business Name	Address Line	City	State	ZIP	Description of Business	Title of Office	Held by Whom	Edit	Delete
+ Add an item									

Check here for none

B. List the names under which you or members of your household did business during 2014.

Business Name	Address Line	City	State	ZIP	Description of Business	Held by Whom	Edit	Delete
---------------	--------------	------	-------	-----	-------------------------	--------------	------	--------

- For additional help on any section of the form, select the  icon and a pop-up window will open with additional information.
- If you must stop before completing the form, and would like to return to file later, select **Save and file later**.

Name	Size	Status

- When you save the report, you will see it display with a **Pending** status in the Reports tab of the dashboard. You may edit the saved report at any time by selecting the edit icon in the row the report is in. *It is important to note that completed **reports are due by April 15th**. A **Pending** report will not qualify as a filing.*

8. When the form is complete, select **Submit**.
9. **Electronic signature.** You will be prompted to sign your name to complete the filing. Type your first and last name as it appears in your personal profile. Click “Confirmed” then select “File Report”.

You will see the screen change to “**Report Successfully Filed.**” If you do not see this prompt, the system may return you to the portion of the report that needs more information. Once corrected, you can successfully file. If you complete a Pending report, you will now see the status change from **Pending** to **Filed** in the Reports tab of the dashboard.

Report Successfully Filed

Thank you, your **Oregon Government Ethics Commission E-Filing Report for 2018** has been successfully submitted.

- Your confirmation number is: **C90HW7A**
- An email receipt has been sent to the email address provided.
- You can also print this receipt for your records.

[Go to my account](#) [Print This Page](#)

If you are assigned to more than one jurisdiction, you will be required to complete only one report, and you will see your multiple positions listed.







During the reporting period beginning March 15, you will have access to complete the current year’s disclosure information. If it is not during a reporting period and you have already completed your current report, a message will display “**No new reports are due at this time.**”

It is important to note that the **filing deadline is always April 15, even if that date falls on a weekend or holiday.** The electronic filing system is available 24-hours a day and 7 days a week for your convenience.



SYSTEM REQUIREMENTS

Oregon.gov websites are compatible with most popular web browsing software.

	Minimum for Browsing	Recommended Version
Windows Vista / 7 / 8		
 Google Chrome	31+	61+
 Internet Explorer	9 (32-bit)+	11+
 Mozilla Firefox	37+	58+
Mac OS X / macOS		
 Google Chrome	31+	61+
 Mozilla Firefox	37+	58+
 Apple Safari	5+	10+

Mobile devices

You can view the Electronic Filing System on a mobile device. This application, due to tabularized data displays, may not translate well to all mobile devices. It is recommended that, minimally, a tablet device or larger be used for the best experience.

FAQS

Do the session's time out?

Yes. The session will time out after 15 minutes of inactivity.

Can I tab between fields?

Yes.

Once I file electronically, can I switch back to paper?

No. Since 2016, all required filers must continue to file electronically.

Can anyone get a password to file electronically?

No. Only those statutorily identified can access the Electronic Filing System for filing purposes.

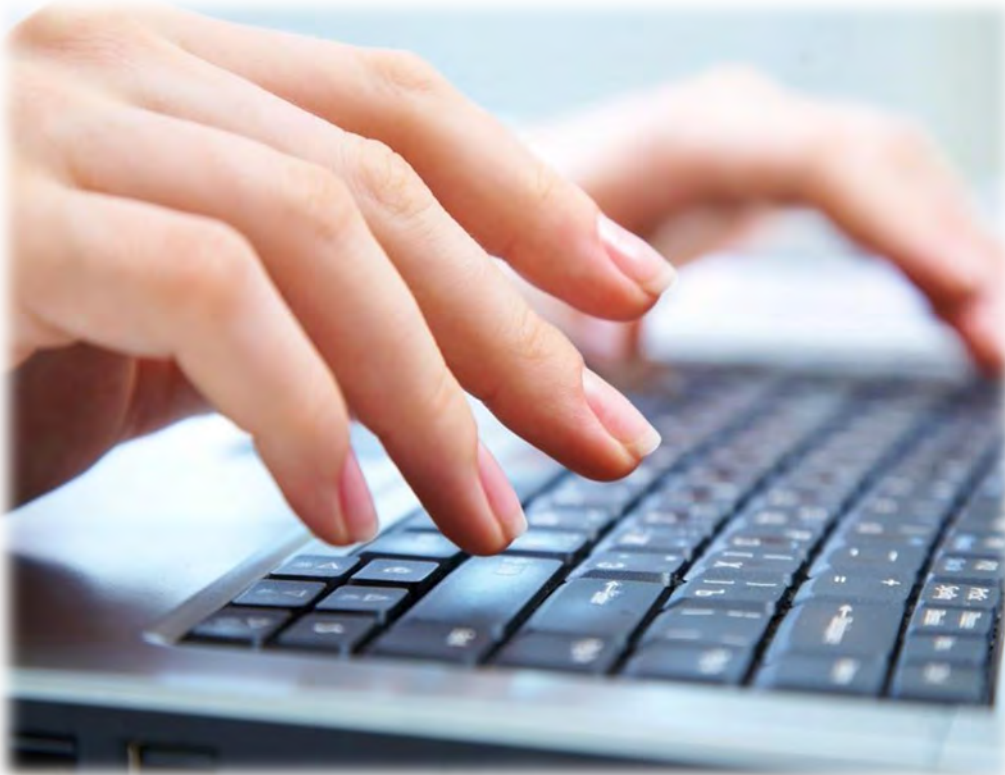
Are the disclosure questions different?

No. The questions are statutorily mandated and have not changed.

The system is not accepting my email address the way I entered it?

Try entering your email address in all lowercase letters.

Statement of Economic Interest



Oregon Government Ethics Commission
3218 Pringle Rd SE, Ste 220
Salem OR 97302-1544
Phone: 503-378-1680
www.oregon.gov/OGEC

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST

The Oregon Government Ethics Commission (Commission) has been informed that you are a public official who is required by ORS 244.050 to electronically file a Statement of Economic Interest (SEI). The governing body you serve has provided us with your name, position, and email address. You will have 90 days from the date you receive a system-generated email from the Oregon Government Ethics Commission (Commission) to create a username, password, confirm your pre-filled personal profile information is correct, and electronically submit to the Commission.

During the filing period, failure to complete and electronically file by the final filing date may subject you to an automatic civil penalty of \$10.00 for each of the first 14 days the SEI is late and \$50.00 for each day thereafter, up to a maximum of \$5,000 [ORS 244.350(4)(c)].

Annual Verified Statement of Economic Interest Filing Instructions:

- ORS 244.050 specifically identifies certain public officials who are required to electronically file the SEI. Your position is one of those listed. **If you do not believe that you are required to file a SEI or if you have other questions, please call the Commission at (503) 378-5105 as soon as possible.**
- If you hold more than one position that is required to file, you will electronically file only one report.

The most common errors officials make in filing are:

- (a) Failing to list all sources of household income for question 2. All sources of income exceeding 10% of the total annual household income must be listed. (*The question does include the public position you hold.*) Do not overlook the fact that a pension or social security benefit represents part of the household income. Please refer to the definition of income.
 - (b) Completing items 7 to 10 when not necessary. Please carefully read the instructions in the box prior to question 7. The questions need to be answered only if the conditions described in the instructions apply to your responses.
- **Please do not fail to respond to the email notification!** ORS 244.350(4)(c) prescribes assessment of a penalty of \$10 for each of the first 14 days the SEI is late and \$50 for each day thereafter that passes after the filing deadline date, up to a maximum of \$5000.
 - You are required to electronically file **no later than April 15th**. Please contact the Commission at 503-378-5105 if you have questions. The electronic filing system is available 24-hours a day and 7 days a week. **There is no exception to the April 15 filing deadline, even though it may fall on a holiday or weekend.**

STATUTORY REFERENCES

Item 4-A, ORS 244.020(7)(b)(F) – Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

Item 4-B, ORS 244.020(7)(b)(H) – Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

DEFINITIONS

"Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. This does not include income-producing not-for-profit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code with which a public official or relative of a public official is associated in a non-compensated capacity. *[ORS 244.020(2)]*

"Income" means income of any nature derived from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, retirement income, real estate transactions, inheritance income, or anything of economic value received as income including income from government sources (i.e., social security, your public salary, etc.). *[ORS 244.020(9)]*

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event. *[ORS 244.020(8)]*

"Person" means, for purposes of this form, (a) the public official required to file a Statement of Economic Interest and (b) an individual, corporation, partnership, joint venture, and any other similar organization or association.

"Member of Household" means any person who resides with the public official.

[ORS 244.020(11)]

Questions requiring disclosure:

1. **BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:**

A. If you or a member of your household were an officer or director of a business (see definition of "business") during the previous year, please indicate that information below. (These would be personal business ventures, not the public position you hold. Items A and B may be the same and Item B may be subsidiary of parent company listed in Item A for example.) [ORS 244.060(1) & (2)]

You will list the **Business Name, Business Address, Title of Office, Held by Whom,** and a **Description of the Business.**

B. List the names under which you or members of your household did business (see definition of "business" above) during the previous year:

You will list the **Business Name, Title of Office, Business Address, Held by Whom,** and a **Description of the Business.**

2. **SOURCES OF INCOME:** Identify the sources of income received by you or a member of your household, 18 years of age or over, who during the previous year produced 10% or more of the total annual household income. (Your business would be a source, not the individual clients of your business.) [ORS 244.060(3)]

You will list the **Name of the Source, Address of the Source,** and a **Description of the Source.**

3. **REAL PROPERTY:** List all real property (residential, commercial, vacant land, etc.) in which, during the previous year, you or a member of your household had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract, **located within the geographical boundaries of the public entity you serve.** (Boundaries for legislators, or filers from state agencies, boards, commissions or institutions would be the state borders. Boundaries for local filers would be the limits of the city, county or district you serve.) [ORS 244.060(4)(a)] **Do not list your principal residence.** [ORS 244.060(4)(b)]

You will list a **Description of the real property** and the **Address.**

4. **OFFICE RELATED EVENTS:**

A. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during the previous year when participating in a convention, mission, trip, or other meeting as described in ORS 244.020(7)(b)(F), which is an exception to gift restrictions. *(Do not list expenses that were paid by the public body you represented.)* [ORS 244.060(5)]

You will list the **Date, Organization Name, Address, Nature of Event** and **Amount**.

Any organization, unit of government, tribe or corporation that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020(7)(b)(F) shall notify the public official in writing of the amount of the expense. The organization, unit, tribe or corporation shall provide the notice to the public official within 10 days after the date the expenses are incurred.

B. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during the previous year when participating in a mission, negotiations, or economic development activities described in ORS 244.020(7)(b)(H), which is an exception to the gift restrictions. *(These events are those that were officially sanctioned or designated by your public body. Do not list expenses that were paid by the public body you represented.)* [ORS 244.060(6)]

You will list the **Date, Organization Name, Address, Nature of Event** and **Amount**.

5. **HONORARIA:** List all honoraria *(see definition)* allowed in ORS 244.042, with a value exceeding \$15, received by you or a member of your household during the previous year. [ORS 244.060(7)]

You will need the **Date, Organization Name, Nature of Event** and **Amount**.

Under ORS 244.100(2) any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received.

6. **SHARED BUSINESS WITH LOBBYIST:** List the name of any compensated lobbyist who was associated with a business with which you or a member of your household was also associated during the previous year. *(Example: The public official or household member is an employee or owner of a private company that also employs a lobbyist. Owning stock in a publicly traded company in which the lobbyist also owns stock is not a relationship that requires disclosure.)* [ORS 244.090(1)]

You will need the **Name of the Lobbyist**, the **Name of the Business** and the **Type of the Business**.

PLEASE NOTE – Do NOT answer items 7, 8, 9, and 10 unless the source of the interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which you hold an official position or over which you exercise any authority.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

7. **INCOME OF \$1,000 OR MORE**: Respond only if you or a member of your household received a source of income exceeding an aggregate amount of \$1,000 during the previous year, and that income was derived from an individual or business that has been doing business, does business, or could reasonably be expected to do business with, or has a legislative or administrative interest in the governmental body you serve. **[ORS 244.060(8)]**

You will need to report the **Income Source, Address and Description**.

8. **DEBT OF \$1,000 OR MORE**: Respond only if you or a member of your household owed a debt of \$1,000 or more to a person during the previous year, and that debt involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. *(Note: Do not list loans from state or federally regulated financial institutions (banks, etc.) or retail credit accounts and do not list the amounts owed.)* **[ORS 244.070(1)]**

You will need to list the **Name of Creditor, Date of Loan, and Interest Rate of Loan**.

9. **BUSINESS INVESTMENT OF MORE THAN \$1,000**: Respond only if you or a member of your household had a personal, beneficial interest or investment in a business of more than \$1,000 during the previous year, if the investment involved an individual or business that did business with or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. *(Note: Do not list the amount of the investment. Do not list individual items in a mutual fund or blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.)* **[ORS 244.070(2)]**

You will list the **Business Name, Address, and a Description of the Business**.

10. **SERVICE FEE OF MORE THAN \$1,000:** Respond only if **you** (*not your business*) received a fee of more than \$1,000 during the previous year from a person for whom you performed a service, if the service involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (*Do not list fees if you are prohibited from doing so by law or a professional code of ethics.*) **[ORS 244.070(3)]**

11. **VERIFICATION:** Under penalties for false swearing/false affirmation, I declare that the information submitted in this electronic filing is, to the best of my knowledge and belief, true, accurate, and complete.

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirements to complete and electronically submit the SEI by April 15th.

If you have any questions regarding the Annual Verified Statement of Economic Interest please contact the Oregon Government Ethics Commission.

Oregon Government Ethics Commission
3218 Pringle Rd SE, Ste 220
Salem, OR 97302-1680
Phone: 503-378-5105
Website: www.oregon.gov/OGEC
Email: ogec.mail@oregon.gov

Additional Training Resources:

- Instructional videos -
 - SEI Filer Account Set up <https://www.oregon.gov/OGEC/Pages/efs.aspx>
- Online webinars -
 - The training calendar is available on the Oregon Government Ethics Commission's website at [Training Resources](#).
 - To schedule an online training session, open the calendar located at the bottom of the web page and click on the email link within the calendar;
 - or email ogec.training@state.or.us to register for a webinar.

Legal & Land Use Training

Public Meetings, Public Records, and Ethics

Amanda Guile-Hinman
City Attorney
January 9, 2023



Public Meetings

- ORS 192.610 – 192.695
- Relevant Definitions:
 - “Governing Body” – members of public body with authority to make decisions for or recommendations to a public body
 - “Public Body” – includes the City and any board, department, commission, council, committee, or other advisory group
 - “Meeting” – convening of a governing body for which a quorum is required in order to make a decision or deliberate toward a decision
- Quorum of the DRB/PC is a majority



Public Meetings (cont.)

- Meetings of the DRB/PC must be open to the public and people must be permitted to attend
 - Trainings are not “meetings” if no substantive issues discussed
- Decisions of the DRB/PC must be made during a public meeting
- Legal Requirements of a Public Meeting
 - Notice
 - Located within the City’s jurisdiction
 - Accessible location
 - Minutes



Communications Outside of Public Meetings

- When a quorum (majority)
 - No communications to decide or deliberate toward a decision on any matter
 - Serial communications can create a quorum
 - Don't "Reply All" to emails
- When not a quorum
 - Generally can discuss a matter (except quasi-judicial)
 - Best practice is to have discussions at the public meeting only
- When in doubt
 - Talk with staff
 - Avoid talking with other members of DRB/PC



Types of Decisions

- Legislative
 - Sit in the role of policymaker
 - Widely-applicable policies
 - Ex. Adopting the Frog Pond West Master Plan
- Quasi-Judicial
 - Sit in role of judge
 - Evaluate facts and apply specific rules or policies
 - Concerns about *ex parte* contact outside of meeting
 - Ex. Approving specific development within Frog Pond West
- Administrative/Ministerial
 - Internal workings of City
 - Generally, not the type of decisions that require a vote
 - Ex. Issuing Building Permit or Approval of Final Plat for development within Frog Pond West



Types of Decisions - Legislative

- Typically PC and Council
- Sit in the role of policymaker
 - Widely-applicable policies
 - PC recommends adoption of Comprehensive Plan amendments, Master Plans, Development Code revisions, and other long-range planning policies to the City Council
 - Council determines whether to adopt such policies
- Application
 - Affects the community as a whole, rather than a specific site
 - Not as prescriptive
- Process
 - Notice
 - Public Hearing



Types of Decisions – Quasi-Judicial

- Typically DRB and Council
- Sit in role of judge – no policy judgments (e.g., cannot disregard a policy because you don't like it)
 - Laws/regulations/policies to guide decision
 - Take evidence
 - Hear arguments
 - Make decisions
- Decisions
 - Apply existing laws/regulations/policies to the facts to arrive at decision
- Procedure
 - Notice
 - Hearing
 - Un-biased decision-maker
 - Decision confined to the record
 - Findings



Quasi-Judicial Decisions – Ex Parte Contact

- What is Ex Parte Contact
 - Off-the-record communications (outside formal proceedings)
 - Between an interested party and a member of the DRB
 - DRB is hearing/will hear application that interested party is discussing
- What to do if encounter Ex Parte Contact
 - Stop the conversation, tell the person to submit their comments orally or in writing before the decision-making body
 - Disclose the ex parte contact at the beginning of the hearing process



Public Records

- ORS 192.001-192.607
- Purpose
 - Informed public – what is the government doing?
 - Historic knowledge – how did our government get us here and why?
- What is a public record?
 - Prepared, owned, used, or retained by the City
 - Relates to any activity, transaction, or function of the City
 - Is necessary for the fiscal, legal, administrative, or historical policies, requirements, or needs of the City



Public Records (cont.)

- What is not a public record?
 - Extra copies of the same document
 - Messages on voicemail (if emailed, becomes a public record)
 - Spoken communication that is not recorded
 - Not relating to conducting City business
- Who is subject to the Public Records Law?
 - All public bodies
 - Includes Council and Committees of the City
- Cities must maintain all public records in accordance with state-mandated retention schedules
 - OAR 166-200-0200 – OAR 166-200-0405



Ethics

- ORS Chapter 244 and OAR Chapter 199
- All Public Officials must comply
- Are You a Public Official?
 - Member of DRB/PC
- Prohibited Use of Office
 - The "But For" Test
 - Cannot use or attempt to use position to obtain financial benefit if it would not be otherwise available
 - Applies to public official, public official's relatives, public official's household, and any of their businesses
- Gifts
 - Received by public official, relatives, or household members
 - Legislative or administrative interest
 - Not available to the public
 - Limited to \$50 per calendar year per source



Ethics – Conflict of Interest

- Potential and Actual Conflicts of Interest
 - Potential: take official action that could financially impact:
 - The public official
 - The official's relatives
 - A business with which the official is related
 - Actual: take official action that would financially impact official, relatives, or business
- If a Potential Conflict:
 - Announce potential conflict prior to taking any action on the matter
 - Can still participate
- If an Actual Conflict:
 - Announce conflict and refrain from participating in official capacity in any discussion or in voting on the matter



Resources

- Oregon Attorney General's Public Records and Public Meetings Manual
 - https://www.doj.state.or.us/wp-content/uploads/2019/07/public_records_and_meetings_manual.pdf
- League of Oregon Cities' Elected Essentials Videos and Online Books
 - <https://www.rocities.org/education/training/elected-essentials>
 - <https://www.rocities.org/application/files/2515/7427/7942/LocalGovernmentBasics-Updated11-20-19web.pdf>
 - https://www.rocities.org/application/files/5615/7487/0571/2018_EE_Binder_-_Final.pdf
- Oregon Government Ethics Commission's Guide for Public Officials
 - <https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>





The Development Code-Master Plan Relationship

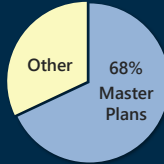
DRB Member Training 2023

How Much DRB Deals with Master Plans?

Files Reviewed by DRB



Sample Staff Report

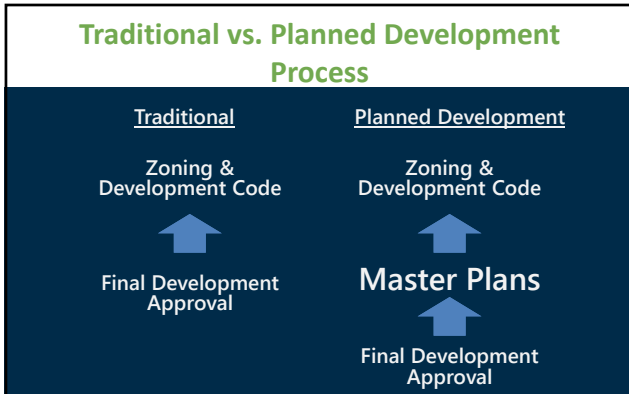


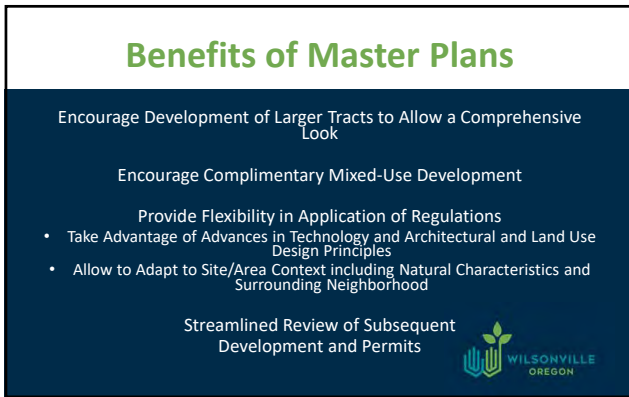
Definitions of Master Plan

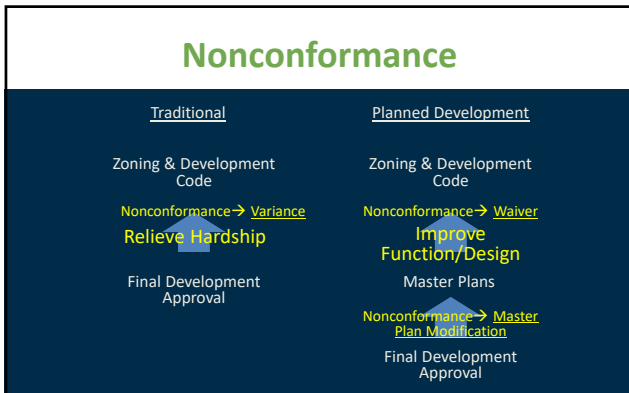
System Master Plans: Subset of the Comprehensive Plan addressing the long-term maintenance and growth of a capital asset.
 Examples: Transportation Systems Plan, Parks Master Plan, Water Systems Master Plan, Stormwater Master Plan

Area Master Plans: Subset of the Comprehensive Plan guiding the development of a large area, especially new urban areas.
 Examples: Villebois Village Master Plan, Coffee Creek Master Plan, Frog Pond West Master Plan

Development Master Plans: Comprehensive look at the specific uses, function, design, and phasing of a development or development area adopted to regulate the construction of the development.
 Examples: Wilsonville Business Center Master Plan, Villebois Specific Area Plan







Waivers-Tiers of Scrutiny

Tier 1 (majority of waivers)

Supports the Purpose of the Planned Development Regulations
Examples: Setbacks, Min. Lot Size, Min. Parking

Tier 2

Substantial Evidence Intent of Regulation Still Met
Examples: Open Space, Min. Density, Min. Landscaping and Screening

Tier 3

Intent Still Met, Can't Violate Regional, State, or Federal Standards
Examples: Wetland Mitigation, Max. Parking

Master Plans and Legal Conforming Uses

Master Plan

- A. Service commercial shall not exceed 20% of total acreage.
- B. Office complex shall not exceed 20% of total acreage.
- C. Commercial recreation shall not exceed 20% of total acreage.
- D. Neighborhood commercial shall not exceed 5% of total acreage.
- E. Aggregate commercial uses shall not exceed 20% of total acreage.

Current Code

- 0. Any use allowed in a PD-C Zone, subject to the following restrictions:
 1. Service Commercial uses (defined as professional services that cater to high customers such as financial, insurance, auto rental, legal, medical or dental services) not to exceed 500 square feet of floor area in a single building, or 20,000 square feet of combined floor area within a multi-building development.
 2. Office Complex Use (as defined in Section 4.031) shall not exceed 30% of total floor area within a project site.
 3. Retail uses not to exceed 5000 square feet of outdoor and outdoor sales, service or inventory storage area for a single building and 20,000 square feet.



Master Plans the DRB Reviews

- Stage I Preliminary Plan
- Stage II Final Plan
- Master Sign Plan
- Type C Tree Plan



Types of Master Plans Continued

Master Sign Plan

Code Compliance Questions?

Does the sign plan meet the sign regulations and provide coordinated signage?

Individual sign permits based on Master Sign Plan

Type C Tree Plan

Code Compliance Questions?

Is tree retention appropriately balanced with other design considerations?

Are preserved trees sufficiently protected?

Is appropriate mitigation for removal provided?

Tree removal permits based on plan

Master Plan Related Reviews

Zone Map Amendment

Required to be Simultaneous with Stage I Preliminary Plan

Tentative Plat

Proposed Uses-Related to Stage I Preliminary Plan

Streets, Utilities, other Improvements-Related to Stage II Final Plan

Site Design Review

Detailed Review of Function and Design Reviewed in Stage II Final Plan

PUBLIC OFFICIALS TRAINING

January 23, 2020

I. EX PARTE CONTACTS

A. **The Requirement of an Impartial Tribunal.** The Oregon Supreme Court in *Fasano*¹ and the state legislature² have recognized that in a quasi-judicial decision the parties before a quasi-judicial body are entitled to an unbiased decision, based solely on the evidence. If you have received an ex parte communication, you have been given information that may have rendered you biased for or against one side of the issue. If you receive communications from only one side of the controversy, you can never be sure that the other side could not have effectively rebutted this information if they had known about it. By the same token, in order for the public to accept the fairness of your decisions, they must know that you are making that decision fairly. Fairness has generally been interpreted by the courts to require a decision based solely upon the evidence presented at the hearing.

B. **What Is an Ex Parte Communication?** *Ex Parte* is a Latin term, which is defined as “on one side only; by or for one party; done for, in behalf of, or on the application of, one party only.” In practical terms, for an ex parte communication to exist, three tests must be met:

1. The communication must be regarding the merits of a given question or proposal.
2. The communication must concern a question which is before or which subsequently comes before the decision maker for action.
3. The communication must be received in a context whereby those parties who might disagree with the communication are not afforded an opportunity to respond.

“Ex parte contact includes all information relevant to the matter at hand gained outside the formal proceedings and not in the record. While ex parte contacts may affect ... impartiality, the risk to the integrity of ... proceedings from ex parte contacts is that the decision may be made on the basis of facts not disclosed in the record. The risk is reduced when information gained ex parte is made part of the record by disclosure in the proceeding. The function of disclosure is therefor corrective. Failure to disclose information gathered ex parte, on the other hand, will invalidate the decision.”³

¹ *Fasano v. Washington County*, 264 Or. 574 (1973).

² ORS 227.180(3) through (5). See paragraph 4.

³ *100 Friends of Oregon v. Wasco Co. & Knapp*, 14 Or. LUBA 315, 321 (1986).

C. **Ex Parte Contact Rule Modified by the Legislature.** The right to an impartial tribunal, as expressed in the *Fasano* case, has since been modified by the legislature. The statutes now provide that no decision shall be invalid due to an ex parte contact, or bias resulting from an ex parte contact, with a public official deciding a matter if:

1. The member places on the record the substance of a written or oral ex parte communication concerning the decision; and
2. Has a public announcement of the content of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related. ORS 227.180(3).

In other words, if you receive an ex parte communication, you must disclose it. In order to effectively disclose an ex parte communication, you must do more than simply note that you had a conversation with a given citizen on a given date concerning the subject in question. Your disclosure must contain enough information so that the party who was affected by the communication has an opportunity to effectively rebut it. If you simply disclose that you had a conversation without going into some detail concerning the information that you received, there is no way that the party affected will have a true opportunity to present an effective rebuttal. Remember, the communication you received may have contained false information. The best way to determine whether the information is true or not is to give all parties affected an opportunity to respond, so that you can make an informed decision. The quality of your decision will be improved if you make sure that the party affected by an ex parte communication has a fair opportunity to rebut it.

A strong word of caution: With quasi-judicial matters where you are in the role of the neutral trier of fact, i.e., the judge, I strongly discourage any ex parte contact. Notwithstanding the above, such contact remains grounds for appeal to the Circuit Court.

D. **Effective Disclosure of Ex Parte Communications.** An effective disclosure of an ex parte communication must include the following:

1. The name of the person who communicated with you;
2. The approximate date, time, and place of the communication; and
3. A detailed summary of the information shared with you (give special attention to any facts or information that you believe and that is likely to influence your decision) and your detailed responses.

II. THE DOLAN⁴ DECISION (for Quasi-Judicial Land Use Matters)

A. **Brief Review of Facts.** This case involved exactions required by the City of Tigard for a development permit to Mrs. Dolan to double the size of her plumbing supply store (A-Boy Plumbing) in downtown Tigard and to pave the previously unpaved parking lot. The City required, among other things, a dedicated greenway and pedestrian/bicycle pathway. Dolan appealed the dedication conditions on the basis they were not related and therefor amounted to an uncompensated taking of her property. She lost appeals at LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court.

B. **The U.S. Supreme Court Holding.** The U.S. Supreme Court found that the City had demonstrated the “essential nexus” between the dedications and the projected impacts of the expansion as required in *Nollan v. California Coastal Commission*. The Court used this case as an opportunity, however, to expand on *Nollan* to define the degree of connection necessary between the proposed exactions and the projected impact of the development. The Court answered this issue by reducing the complex constitutional requirement under the Takings Clause in the Fifth Amendment (“nor shall private property be taken for public use without just compensation”) to “rough proportionality”:

“No precise mathematical calculation is required, but the City must make some sort of individualized determination that the required dedication is related both in nature and extent to the proposed development’s impact.”

The Court found a nexus existed between the City’s requirement of a greenway and flood control, but that the City went too far when it required the greenway to be dedicated. The Court determined that the City never articulated why a public greenway, as opposed to a private one, was required in the interest of flood control. The Court found this to be a taking of Dolan’s property rights in that it took her ability to exclude persons from her property, “one of the essential sticks in the bundle of rights that are commonly characterized as property.”

In addition, the Court held that the City failed to demonstrate that the additional number of vehicle and bicycle trips generated by the development reasonably related to the City’s requirement for a dedication of the pedestrian/bicycle pathway easement. The Court quoted with favor the dissent in the Oregon Supreme Court involving *Dolan*:

“As Justice Peterson of the Supreme Court of Oregon explained in his dissenting opinion, however, ‘[t]he findings of fact that the bicycle pathway system could offset some of the traffic demand is a far cry from a finding that the bicycle pathway system will, or is likely to, offset some of the traffic demand.’”

⁴ *Dolan v. City of Tigard*, ___ S. Ct. ___ (1994 WL 276693), June 24, 1994.

The Court said the City must make some effort to quantify its findings in support of the dedication for the pedestrian/bicycle pathway beyond the conclusory statement that it could offset some of the traffic generated.

C. Dolan Doctrine.

1. *Dolan* makes it clear that the City can deny a permit for development if the impacts of the development are mitigated.

2. If land dedications are required as a result of the conditions of approval, the burden is on the City to prove it meets the requirements of *Dolan*.

3. The City must quantify the effects of development but does not have to be mathematically precise in measuring effects against exactions. The formula must be “roughly proportional” or reasonable in nature and extent.

D. Dolan Details.

1. *Never use the “c” word.* The Supreme Court rejected Tigard’s pedestrian-bicycle pathway dedication condition largely because the planning commission used the word “could” instead of “would” in its findings. Although the Court said it was not requiring a “precise mathematical calculation,” at least some effort should be made to quantify findings to avoid generalized or conclusory statements. If your findings say the dedication or exaction “could” alleviate a project’s impact, this should tip you off that your analysis is inadequate and must be refined to enable you to say “would.”

2. *Individually tailor findings to the specific project.* Don’t automatically assume that just because the plan requires certain dedications that you have satisfied the City’s burden to show the required degree of connection. Remember that *Dolan* requires some sort of individualized determination to be made.

3. *Reserve land or require a use restriction where it achieves the same purpose as a dedication.* The Supreme Court faulted Tigard for imposing the dedication of the floodplain portion of Dolan’s property instead of merely prohibiting Dolan from building upon the floodplain. The Court placed a very high value on Dolan’s right to exclude others from the floodplain area, a right she would forfeit with the dedication. If a reservation or use restriction achieves the same purpose as an outright dedication, then a very specific analysis must be done to demonstrate why the dedication is essential. (In many situations, property owners may willingly accept the dedication as a way to avoid liability and maintenance concerns.)

III. MAKING LAND USE DECISIONS

Newly appointed Planning Commissioners and DRB Board Members often take seats believing that land use decisions are made based on each individual's opinion. That is, each person votes according to what he or she thinks is in the best interest of the community. They are often surprised to learn that state law requires that there be criterion against which the decision must be made and procedures that must be followed.

Recent trends include increased scrutiny by the courts and increased community sophistication and involvement. Consequently, more than ever before, the Commission, the DRB, and the City Council must make their decisions accurately, fairly, and consistently. Thus, your land use decisions must be made consistent with the Wilsonville Comprehensive Plan and the Wilsonville Zoning Code.

The same holds true on land use matters called up to the City Council. Although a Council member may personally find a development is awful or ugly, personal beliefs cannot impact your final decision. Your interpretation of the Code and the law must prevail.

A. **Quasi-Judicial Function.** What does "quasi-judicial" mean? When a governmental body (such as the City Council and the DRB) applies law to a particular set of facts or circumstances to reach a decision, the decision is "quasi-judicial" because the governmental body is taking an action similar to that taken by a judge. "Quasi" means nearly, almost, or like. Traditionally, "court-like" procedures of government have come to be known as "quasi-judicial" because they are *like* those procedures used by courts.

How does one "act like a judge"?

1. Decisions are to be based on testimony (evidence) received at a hearing.
2. Decisions are based on whether or not the applicant has met the criteria in the planning action to be heard.
3. Decisions are also determined on whether or not the opportunity has countered successfully the applicant's evidence on the criteria.
4. Decisions are based on *relevant* evidence.
5. Decisions are impartial and based on the evidence, not personal preference or policy decisions.

Essentially, this means that the hearings must be fair and impartial. The elements that are used to determine the fairness of the hearing has been determined by the Oregon courts.

They are:

1. All parties have a right to be heard.
2. Parties have a right to present and rebut evidence.
3. Parties have a right to an impartial hearing with no pre-hearing or ex parte contacts determining the outcome.
4. Parties have a right to findings of fact.
5. Parties have a right to a record of the proceedings.

B. Legislative Functions. The City Council, most of the time, is the legislative branch of City government. (The DRB does not perform a legislative function, but the Planning Commission does.) Legislative hearings on land use changes, additions, and updates to the Comprehensive Plan are all part of the duties of the City Council. This is where you want to encourage communication from the citizenry. Unfortunately, it is the area where there is, generally speaking, the least citizen involvement. When the ordinances or *community rules* for land use are changed, the broadest viewpoints are needed to make informed decisions on those changes.

C. Summary.

1. Decide all legislative actions based on the relevant criteria.
2. Apply relevant evidence to the criteria.
3. State reasons for accepting or refusing controverted evidence.
4. Be fair to all parties. Do not entertain ex parte contacts.
5. Come to the hearing with a “clean slate” mind set.
6. Make decisions based only on evidence presented at the hearings.
7. Declare any bias you have.
8. Make sure that your mind set is such that if you were one of the parties you would be comfortable having someone with your mind set hear your application.
9. Be scrupulously fair.
10. Encourage participation in the legislative process.
11. Give yourself a pat on the back for your valuable service to your community.

IV. ETHICAL PRINCIPLES FOR PLANNING

According to the *Oregon Ethics Guide*, “A public office is a public trust.” Issues that come before the Development Review Board can involve a conflict of values and interests, and often there are significant private dollars at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

A. DRB Board Members Should:

1. Exercise fair, honest, and independent judgment in your roles as decision-makers and advisors;
2. Make public disclosure of all “personal interests” you may have regarding any decision to be made in the planning process in which you serve, or are required to serve, as advisor or decision-maker;
3. Define “personal interest” broadly to include any actual or potential benefits or advantages that you, a spouse, family member, or person living in your household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as a decision-maker in any matter in which you have a direct personal interest, and step away from the dias while such a matter is under deliberation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence your objectivity as an advisor or decision-maker in the planning process;
6. Do not participate as an advisor or decision-maker on any plan or project in which you have previously participated as an advocate;
7. Do not use confidential information acquired in the course of your duties to further a personal interest;
8. Do not discuss confidential information acquired in the course of your duties except when required by law;
9. Do not misrepresent facts or distort information for the purpose of achieving a desired outcome;
10. Do not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service; and
11. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics that are protected under civil rights laws and regulations.

B. Summary of Ethical Principles for Public Officials.

1. Public officials serve the public interest.
2. Public officials recognize the right of citizens to influence decisions.
3. Public officials recognize the long range nature of planning decisions.
4. Public officials strive to expand choice and opportunity for all persons.
5. Public officials encourage the coordination of activities and efforts in accommodation of all interests.
6. Public officials avoid conflicts of interest and disclose them and recuse themselves when they occur.
7. Public officials are thorough and diligent.
8. Public officials do not seek or offer favors to special interests.
9. Public officials do not disclose or improperly use confidential information for financial gain.
10. Public officials ensure equal access to public records and ensure that all relevant information is disclosed at public meetings.

Social Media

Best Practices

1. The Internet is not anonymous, nor does it forget. If you can find it, so can others.
2. There is no clear line between your work life and your personal life. Always be honest and respectful in both capacities.
3. Social Media may be subject to Public Records law and also has Open Meeting law implications.

Social Media

Best Practices (continued)

4. There are no deletions from the Internet- your old posts, even if deleted by you or Facebook, can be subpoenaed.
5. Do not use your title unless it is official business.
6. Do not blog, post, tweet when you are angry, frustrated, or intoxicated with respect to city related matters.
7. Do not return fire with respect to city related matters.

OREGON GOVERNMENT ETHICS LAW

A GUIDE FOR PUBLIC OFFICIALS



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DISCLAIMER

This guide has been approved by the Oregon Government Ethics Commission pursuant to ORS 244.320. ORS 244.320 requires this publication to explain in understandable terms the requirements of Oregon Government Ethics law and the Oregon Government Ethics Commission's interpretation of those requirements. Toward that end, statutes and rules have been summarized and paraphrased in this guide. The discussion in this guide should not be used as a substitute for a review of the specific statutes and rules.

There may be other laws or regulations not within the jurisdiction of the Commission that apply to actions or transactions described in this guide.

A penalty may not be imposed under ORS Chapter 244 for any good faith action taken in reliance on the advice in this guide. "In reliance on" the advice in this guide means that the fact circumstances of the action taken are the same fact circumstances that serve as the basis for advice in this guide.

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INTRODUCTION

In 1974, voters approved a statewide ballot measure to create the Oregon Government Ethics Commission (Commission). The measure established laws that are contained in Chapter 244 of the Oregon Revised Statutes (ORS).

When the Commission was established, it was given jurisdiction to implement and enforce the provisions in ORS Chapter 244 related to the conduct of public officials. In addition, the Commission has jurisdiction for ORS 171.725 to 171.785 and 171.992, related to lobbying regulations, and ORS 192.660 and 192.685, the executive session provisions of Oregon Public Meetings law.

This Guide for Public Officials includes a discussion of some provisions that may also apply to lobbying activities. This is especially true when a lobbying activity involves paying the expenses for meals, lodging, travel, entertainment or other financial benefits of a legislative or executive official. Under specific circumstances, ORS Chapter 244 allows the payment of such expenses, but the public official may have a reporting requirement under ORS Chapter 244 and the source of the payment may be required to register as a lobbyist or report the expenditure. The Commission publishes a guide for lobbyists and clients or employers of lobbyists regulated under provisions in ORS Chapter 171. If you have questions regarding registering as a lobbyist, lobbying activity or reports for lobbying expenditures, please refer to our Guide to Lobbying in Oregon, which is available on our website.

ORS 192.660 lists the specific criteria a governing body must use when convening an executive session. Under this statutory authority, executive sessions are limited to discussion of specific matters. This guide does not discuss that portion of the Oregon Public Meetings law, but there is a detailed discussion of executive sessions, as set out in ORS 192.660, in the Attorney General's Public Records and Meetings Manual, available on-line at <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

This guide will discuss how the provisions in ORS Chapter 244 apply to public officials and will summarize Commission procedures. It should be used in conjunction with applicable statutes and rules, but should not be used as a substitute for a review of the statutes and rules. It is intended to be a useful discussion, in understandable terms, of topics and issues that are often the focus of inquiries the Commission receives from public officials and citizens.

You will find links to ORS Chapter 244, ORS Chapter 171.725 to 171.785 and 171.992, ORS 192.660 and ORS 192.685, relevant Oregon Administrative Rules (OAR), and other publications referenced in this guide on the Commission's website at <https://www.oregon.gov/ogec/Pages/default.aspx>. Questions or comments may be submitted to the Commission by email at ogec.mail@oregon.gov, by telephone to 503-378-5105, or by fax to 503-373-1456.

JURISDICTION

The jurisdiction of the Oregon Government Ethics Commission is limited to provisions in ORS Chapter 244, ORS 171.725 to 171.785 and 171.992, and ORS 192.660 and 192.685. Other Oregon statutes may also regulate the activities of elected officials and public employees. Some examples are:



- The Elections Division of the Secretary of State's Office regulates campaign finance and campaign activities.
- Federal, state, or local law enforcement has jurisdiction over alleged criminal activity.
- The Oregon Bureau of Labor and Industries investigates cases involving employment-related sexual harassment or discrimination on the basis of race, religion, disability or gender.
- The initial enforcement of the Public Records law lies with County District Attorneys and the Department of Justice.
- Enforcement of the Oregon Public Meetings law lies with the Oregon Circuit Courts, except that the Commission also has jurisdiction over the execution session provisions in ORS 192.660 and 192.685.

There are occasions when a public official engages in conduct that may be viewed as "unethical," but that conduct may not be governed by Oregon Government Ethics law. The following are some examples of conduct by public officials that may not be within the authority of the Commission to address:

An elected official making promises or claims that are not acted upon.

Public officials mismanaging or exercising poor judgment when administering public money.

Public officials being rude or unmannerly.

A person's private behavior unrelated to their actions as a public official.

While the conduct described above may not be addressed in Oregon Government Ethics law, other statutes and public agency policies may prohibit or redress the behavior. Please contact the Commission staff if you need further clarification regarding how the Oregon Government Ethics law may apply to circumstances you may encounter.

PUBLIC OFFICIAL: AN OVERVIEW

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.

Public officials must know that they are held personally responsible for complying with the provisions in Oregon Government Ethics law. This means that each public official must make a personal judgment in deciding such matters as the use of official position for financial gain, what gifts are appropriate to accept, when to disclose the nature of conflicts of interest, and the employment of relatives or household members. If a public official fails to comply with the operative statutes, a violation cannot be dismissed by placing the blame on the public official's government employer or the governing body represented by the public official.

One provision, which is the cornerstone of Oregon Government Ethics law, prohibits public officials from using or attempting to use their official positions or offices to obtain a financial benefit for themselves, relatives or businesses with which they are associated if that financial benefit or opportunity for financial gain would not otherwise be available but for the position or office held.

Oregon Government Ethics law limits and restricts public officials and their relatives as to gifts they may solicit or accept. Under specific circumstances, public officials may accept certain gifts. This guide will discuss those provisions. Public officials are allowed to receive salary and reimbursed expenses from their own government agencies.

Another provision that frequently applies to public officials when engaged in official actions is the requirement to disclose the nature of conflicts of interest. This guide will discuss the definition of a conflict of interest, the distinction between actual and potential conflicts of interest, and describe how a public official must disclose and dispose of a conflict of interest.

For some public officials who are elected to offices or hold other select positions, there is a requirement to file an Annual Verified Statement of Economic Interest. This guide will discuss that filing requirement.

It is important for both public officials and members of the general public served by public officials to know that the provisions in Oregon Government Ethics law apply to the actions and conduct of individual public officials and not to the actions of state and local governing bodies or government agencies. Each individual public official is personally responsible for complying with provisions in ORS Chapter 244. Before taking official action, making a decision, participating in an event, or accepting a gift that may raise potential ethics law violations, each public official must make a personal judgment. The Commission staff is available to discuss the issues and offer guidance in making such judgments.

The statutes and rules discussed or illustrated in this guide do not and cannot address every set of circumstances a public official may encounter. Since compliance is the personal responsibility of each public official, public officials need to familiarize themselves with the wide variety of resources that offer information or training on the provisions in Oregon Government Ethics law.

In addition to the statutes in ORS Chapter 244 and the Oregon Administrative Rules (OAR) in Chapter 199, see <https://www.oregon.gov/ogec/Pages/default.aspx>, the Commission's website, which offers information, training and links to this guide, ORS Chapter 244 and OAR Chapter 199. The Commission offers a variety of free training resources and many government agencies also offer internal training to their employees or the agencies may request training from the Commission's trainers. There are a number of membership organizations, such as The League of Oregon Cities, Association of Oregon Counties, Oregon School Boards Association and the Special Districts Association of Oregon, that provide training to public officials. It is imperative for government agencies or organizations that employ or represent public officials to ensure their public officials receive training in Oregon Government Ethics law. Those that fail to provide this training do a disservice to the public officials who they employ or who represent them.



A PUBLIC OFFICIAL

Are you a public official?

“Public official” is defined in ORS 244.020 as the First Partner and any person who, when an alleged violation of ORS Chapter 244 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

There are approximately 200,000 public officials in Oregon. You are a public official if you are:

- The First Partner, defined as the spouse, domestic partner or an individual who primarily has a personal relationship with the Governor.
- Elected or appointed to an office or position with a state, county, regional, or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county, city, intergovernmental agency or special district.
- An unpaid volunteer for a state, county, regional, city, intergovernmental agency, or special district.
- An agent of the State of Oregon or any of its political subdivisions.

The Commission has adopted, by rule, additional language used to clarify the use of “agent” in the definition of “public official.” The following clarification is in OAR 199-005-0035(7):

As defined in ORS 244.020(15), a public official includes the First Person and 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. This term shall be interpreted to be consistent with Attorney General Opinion No. 8214 (1990).

If I am a volunteer, does that make me a public official?

The Commission recognizes that there are those who volunteer to work without compensation for many state and local government agencies, boards, commissions and special districts. Volunteers may be elected, appointed or selected by the government agency or public body to hold a position or office or to provide services. Among the public officials who volunteer, there are elected or appointed members of state boards or commissions, city councils, planning commissions, fire district boards, school district boards, and many others. There are also many who apply and are selected to perform duties for a government agency, board or commission without compensation, such as firefighters, reserve law enforcement officers, and parks or recreation staff members.

If the position for which you have volunteered serves the State of Oregon or any of its political subdivisions or any other public body, irrespective of whether you are compensated, you are a public official.

How are relatives and household members of public officials affected by Oregon Government Ethics law?

Public officials must always comply with state law when participating in official actions that could result in personal financial benefits and also when participating in official actions that could result in financial benefits for a relative or household member. Public officials should also know there may be limits and restrictions on gifts their relatives or household members may accept when offered.

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using or attempting to use official actions of the position held to benefit a relative or household member, limit the value of financial benefits accepted by a relative or household member of the public official, or require the public official to disclose the nature of a conflict of interest when a relative may receive a financial benefit. There are provisions that place restrictions on a public official regarding the employment or supervision of a relative or household member. These provisions are discussed more comprehensively in the use of position or office section starting on page 17, the gifts section starting on page 26, the conflicts of interest section starting on page 11, and the nepotism section starting on page 35.

Who is a relative?

Public officials need to know how Oregon Government Ethics law defines a “relative.” In everyday conversation the term “relative” is applied to a spectrum of individuals with “family ties” broader than those defined as relatives in ORS 244.020(16). When a provision in ORS Chapter 244 refers to “relative,” it means one of the following:

- The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
- The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of

- the spouse of the public official or candidate;
- Any Individual for whom the public official or candidate has a legal support obligation
- Any Individual for whom the public official provides benefits arising from the public official's public employment
- Any Individual from whom the public official or candidate receives benefits arising from the individual's employment.

For purposes of the last two bulleted items, examples of benefits may include, but is not limited to, elements of an official compensation package such as insurance, tuition or retirement benefits.

Who is a “member of the household”?

Public officials need to know how Oregon Government Ethics law defines “member of the household” because there are provisions in ORS Chapter 244 that prohibit a public official from using or attempting to use their official position to financially benefit a member of their household.

A “member of the household” is any person who resides with the public official or candidate. [ORS 244.020] This definition includes any individual who resides in the same dwelling as the public official, regardless of whether that individual pays rent or not, and regardless of whether that individual is a relative or not.

What is a business with which a person is associated?

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using their position to benefit a business with which the public official or the public official's relative or household member is associated. Other provisions also require the public official to disclose the nature of a conflict of interest when their official actions would or could financially impact a business with which the official or their relative is associated.

As with the definition of relative, public officials need to know how Oregon Government Ethics law defines what a “business” is and how it defines a “business with which the person is associated.” The same sound judgment a public official exercises when participating in actions that could result in a financial benefit to the public official or a relative of the public official should be used when participating in actions that could result in a financial impact to a business with which the public official or the official's relative is associated.

ORS 244.020(2) provides the definition of a “**business**” for the purposes of the application of Oregon Government Ethics law. A “business” is a self-employed individual and any legal entity that has been formed for the purpose of producing economic gain.

- Excluded from this definition are income-producing corporations that are not-for-profit and tax exempt under section 501(c) of the Internal Revenue Code, if a public

official or a relative is associated only as a member, as a member of the board of directors, or in another unpaid position.

Example: An elected County Commissioner is a member of a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official is associated with the credit union only as a member, the credit union is not considered a “business” under the definition in Oregon Government Ethics law.

Example: The son of an elected city councilor is a teller employed by a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official’s relative is a paid employee of the credit union, the city councilor’s association with the credit union does not meet the exclusion above, and the credit union would be considered a “business” under the definition in Oregon Government Ethics law.

- Also excluded from the definition of business are entities, such as state and local governments or special districts, which are not formed for the purpose of producing income.

Example: An advisory board for the Department of Education awards grants to county, city or other local government entities. The advisory board’s members include public officials who are employed by a city police department and by a local fire district. These public officials would not have conflicts of interest when awarding grants to the city or to the fire district, because these government entities do not meet the statutory definition of a “business.”

Once a public official determines that an entity qualifies as a “business,” the public official must also determine if it is a “business with which the person is associated.” In accordance with ORS 244.020(3), a business is a “**business with which the person is associated**” for a public official or the relative or household member of the public official in any of the following circumstances:

- When a person, or their relative is a director, officer, owner, employee or agent of a private business or a closely held corporation.

Example: The Eugene City Recorder is a public official and her daughter is the president and owner of a private landscaping business. That business would be “a business with which the City Recorder’s relative is associated.”

- When a person or their relative currently holds, or held during the preceding calendar year, stock, stock options, an equity interest or debt instrument worth \$1,000 or more in a **private business or closely held corporation**.

Example: The Mayor of Seaside’s brother currently holds an equity interest of more than \$1,000 in a private business owned by a college friend. This would be a “business with which the Mayor’s relative is associated.”

- When a person or their relative currently owns, or has owned during the preceding calendar year, stock, stock options, an equity interest, or debt instruments of \$100,000 or more in a **publicly held corporation**.

Example: The procurement officer for the City of Portland recently inherited stock worth \$110,000 in Nike, which is a publicly held corporation. Nike is a “business with which the procurement officer is associated.”

- When a person or their relative is a director or officer of a **publicly held corporation**.

Example: A Planning Commissioner for Washington County is the son of a member of the Board of Directors for Intel, a publicly held corporation. Intel is a “business with which the Planning Commissioner’s relative is associated.”

- When a public official is required by ORS 244.050 to file an Annual Verified Statement of Economic Interest and the business is required to be listed as a source of household income, per ORS 244.060.

Example: A Bend city councilor is required to file an Annual Verified Statement of Economic Interest (SEI). A member of the city councilor’s household, not a relative, is a paid employee of a private business. The private business which employs the household member would be a “business with which the city councilor is associated” if it provides 10% or more of the councilor’s annual household income.



CONFLICTS OF INTEREST

How does a public official know when they are met with a conflict of interest and, if met with one, what must they do?

Oregon Government Ethics law identifies and defines two types of conflicts of interest. An **actual conflict of interest** is defined in ORS 244.020(1) and a **potential conflict of interest** is defined in ORS 244.020(13). In brief, a public official is met with a conflict of interest when participating in official action which would or could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.



The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “**would**” and “**could.**” A public official is met with an **actual** conflict of interest when the public official participates in an official action, decision, or recommendation that **would** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. A public official is met with a **potential** conflict of interest when the public official participates in an official action, decision, or recommendation that **could** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. The following hypothetical circumstances are offered to illustrate the difference between actual and potential conflicts of interest and what is not a conflict of interest:

- **POTENTIAL CONFLICT OF INTEREST:** A school district has decided to construct a new elementary school and the school board is at the stage of developing criteria for the construction bid process. A recently elected school board member’s son owns a construction company in town. The school board member would be met with a potential conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her son’s construction company, a business with which her relative is associated.
- **ACTUAL CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. The bid deadline was last week and the district Superintendent has notified the school board that there are four qualified bids and the school board will be awarding the bid to one of the four bidders at their upcoming meeting. One of the qualified bids was submitted by the construction company owned by a school board member’s son. The school board member would be met with an actual conflict of interest when awarding this bid because the effect of her decision **would** have a financial impact (either positive or negative) on her son’s construction company, a business with which her relative is associated.

- **NO CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. One of the qualified bids was submitted by a construction company owned by a board member's best friend but neither the board member nor any relative are associated with the construction company. The school board member would **not** be met with a conflict of interest when awarding this bid because the effect of her official decision **would not or could not** have a financial impact on herself, a relative, or a business with which she or her relative is associated.

What if I am met with a conflict of interest?

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. The following public officials must use the methods described below:

Legislative Assembly:

Members must announce the nature of the conflict of interest in a manner pursuant to the rules of the house in which they serve. The Oregon Attorney General has determined that only the Legislative Assembly may investigate and sanction its members for violations of conflict of interest disclosure rules in ORS 244.120. [49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999]

Judges:

Judges must remove themselves from cases giving rise to the conflict of interest or advise the parties of the nature of the conflict of interest. [ORS 244.120(1)(b)]

Public Employees:

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)]

Example of Disclosure and Disposal: A County employee's job includes issuing building permits. An application concerns property owned by the employee's stepfather. The employee would be met with a conflict of interest and would need to make a written disclosure of his conflict to his appointing authority, in this case his department supervisor, and ask that the supervisor dispose of the conflict. Once the employee makes the written disclosure, he has complied with the conflict of interest statute. Upon receipt of a written disclosure from an employee, the supervisor must respond by either delegating an alternative person to handle the matter or directing the public official in how to dispose of the matter. **Note:** If the supervisor directs the public official to dispose of the conflict by handling his

relative's permit the same as any other permit, the supervisor could be asking an employee to take official actions that may violate the prohibited use of position statute, ORS 244.040(1). See page 17.

Elected Officials or Appointed Members of Boards and Commissions:

Elected officials (other than legislators) and those appointed to Boards and Commissions must publicly announce the nature of the conflict of interest before participating in any allowable official action on the issue giving rise to the conflict of interest. [ORS 244.120(2)(a) and ORS 244.120(2)(b)] The announcement must be made in a public meeting, or if no public meeting is available, by other means reasonably determined to notify members of the public of the public official's disclosure. For elected officials who do not hold regular public meetings, such as a Sheriff, District Attorney, or the Secretary of State, other means of compliance could be through a press release or by posting the disclosure on the public body's website.

- **Potential Conflict of Interest:** Following the public announcement of the nature of a potential conflict of interest, elected officials (other than legislators) and those appointed to Boards and Commissions, may participate in official action on the issue that gave rise to the conflict of interest.

Example: A city has decided to solicit bids to develop a new computer system and the city councilors are developing criteria for the bid process. A city councilor's brother works for an IT firm in town. The councilor would be met with a **potential** conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her brother's employer, a business with which her relative is associated. The councilor should publicly disclose the nature of her conflict of interest at the council meeting when the development of bid criteria comes up for consideration. Following the public disclosure, she may continue to participate in discussions and votes on the issue.

- **Actual Conflict of Interest:** Following the public announcement of the nature of an actual conflict of interest, the public official must ordinarily refrain from further participation in official action on the issue that gives rise to the conflict of interest. [ORS 244.120(2)(b)(A)]

Example: The city council is meeting to award a bid for a new IT project. Qualified bidders include a company that employs a city councilor's brother. The city councilor has an **actual** conflict of interest because the effect of her decision **would** have a financial affect, whether positive or negative, on a business with which her brother is associated. The city councilor must publicly announce the nature of her conflict of interest at the meeting and then refrain from any discussion or vote on the matter.

Exception: If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement of their conflict of interest and refrain from any discussion or debate, but may participate in the vote required for official action by the governing body. [ORS 244.120(2)(b)(B)]

Example: In the scenario above, the city councilor would be met with an actual conflict of interest. The city council has 5 members and it takes 3 votes for board action. At the time of this meeting, one seat is vacant, another member is absent, and the member with the actual conflict is present, but conflicted, leaving the city council without the requisite 3 votes to take action. In this instance, following her public disclosure, the conflicted city councilor must refrain from any discussion or debate on the issue, but she may vote in order for the council to take action. Alternatively, the council may choose to delay the vote until a later meeting when more city councilors are present.

The following circumstances may exempt a public official from the requirement to make a public announcement or give a written notice describing the nature of a conflict of interest:

- If the conflict of interest arises from a membership or interest held in a particular business, industry, occupation or other class **and** that membership is a prerequisite for holding the public official position. [ORS 244.020(13)(a)]

Example: The Oregon Medical Board requires that one Board member must be a practicing physician, any official action taken by the physician board member that affects all physicians to the same degree would be exempt from the conflict of interest requirements. The physician Board member need not disclose a conflict of interest and may participate in taking official action on the issue.

- If the financial impact of the official action would impact the public official, their relative, or a business with which they or their relative is associated, to the same degree as other members of an identifiable group or "class." The Commission has the authority to identify a group or class and determine the minimum size of that "class." [ORS 244.020(13)(b) and ORS 244.290(3)(a)] The number of persons affected **to the same degree** as the public official will help to determine whether this exception applies.

Only the Commission may determine whether a "class" exemption exists. A written request must be made to the Commission to make that determination in advance. If a public official determines that a "class" exception applies in their situation, without benefit of Commission advice, the Commission may later determine that a "class" exception does not apply to the situation, and could find a violation.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by hotels and motels. One of the city councilors owns a motel. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission may determine that the city councilor is part of an identifiable group or “class” of 200 city motel/hotel owners, who would be affected to the same degree and thus exempt from the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by motels. One of the city councilors is a motel owner. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission declined to find that the class exemption applies due to the size of the “class” because there are only 3 motels in the city, 2 of which are owned by the councilor. The class exemption would not apply in these circumstances and the councilor must comply with the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a proposal to construct a by-pass route around the city’s business district. The city’s business district includes many businesses and restaurants, including a coffee shop owned by one of the city councilors and a drive-thru espresso stand owned by another resident. The effect of the by-pass would not affect all business owners in the city to the same degree. The class exemption would not apply in these circumstances and the councilor who owns the coffee shop must comply with the conflict of interest disclosure and participation restrictions.

- If the conflict of interest arises from a directorship on the board of, or membership in, a nonprofit corporation that is tax-exempt under 501(c) of the Internal Revenue Code. [ORS 244.020(13)(c)]

Example: A city councilor is also a board member of the local YMCA, a tax-exempt 501(c) organization. The decision, as a city councilor, to award a grant to that YMCA would be exempt from the conflict of interest disclosure and participation restrictions. [ORS 244.020(13)(c)]

How is the public announcement or written disclosure of the nature of a conflict of interest recorded?

- The public body served by the public official is required to record the disclosure of the nature of the conflict of interest in the public body’s official records (e.g. personnel file, meeting minutes, audio/video recording). It is to the public official’s benefit to ensure their conflict disclosure is recorded in their public body’s records. [ORS 244.130(1)]

Is a public official 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?

Each time a public official is met with a conflict of interest, the nature of the conflict must be disclosed.

- For example, an elected member of the city council when met with a conflict of interest would have to make the public announcement one time, but only one time, ***in each meeting*** of the city council when the matter was raised. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- Public officials who are employees would need to submit separate written notices on each occasion when a conflict of interest arises. As an example, an employee in a city planning department would have to give a separate written notice before each occasion when they needed to take an official action involving property owned by a relative. [ORS 244.120(3)]

If a public official failed to announce the nature of a conflict of interest and participated in official action, is the official action voided?

- **No.** Any official action that is taken may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [ORS 244.130(2)] Even though the action may not be voided, the public official could face potential personal liability for the violation.



USE OF POSITION OR OFFICE

What are the provisions of law that prohibit a public official from using the position or office held for financial gain or avoidance of financial detriment?

ORS 244.040(1) prohibits every public official from using or attempting to use the position held as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. The prohibited financial benefit can be either an opportunity for personal financial gain or an opportunity to avoid incurring a personal expense.



Not only is a public official prohibited from using the position as a public official to receive personal financial benefits, but the public official is prohibited from using or attempting to use their position as a public official to obtain financial benefits for a relative or a member of the public official's household. Also prohibited is using or attempting to use the public official's position to obtain financial benefits for a business with which the public official, a relative, or a member of the public official's household is associated.

There are a variety of actions that a public official may take or participate in that could constitute the prohibited use or attempted use of the public official's position. The use of a position could be voting in a public meeting, placing a signature on a government agency's document, making a recommendation, making a purchase with government agency funds, or using a government agency's time or resources (computers, vehicles, machinery) to obtain a personal financial benefit or avoid a personal cost.

The following examples are offered to illustrate what may constitute prohibited use or attempted use of office or position. Please note that this is not an exhaustive list:

- The mayor of a city signs a contract obligating the city to pay for janitorial services provided by a business owned by the mayor's relative.
- An executive director of an agency is ordering 10 new laptops for the agency, which qualifies for a bulk purchase discount of \$150 per laptop. He adds 2 laptops for his family to the agency's order to personally take advantage of the discount, and then reimburses the agency for the discounted cost of his personal laptops.
- A city billing clerk alters water use records so that the amount billed to the clerk's parents will be less than the actual amount due.
- A volunteer firefighter borrows the fire district's power washer to prepare the exterior of the volunteer's personal residence for painting.
- A county public works employee stores a motor home that is owned by the employee's parents in a county building used for storing heavy equipment.
- An employee of a state agency has a private business and uses the agency's computer to conduct the activities of the private business.

- A county commissioner uses the county's pickup truck to haul his own personal boat to and from his vacation home.
- A school district superintendent hires her sister's consulting business to provide an in-service training to teachers in her district.
- A teacher solicits her students' parents to hire her for paid tutoring services.

NOTE: While these examples are offered to illustrate the use of a public official's position prohibited by ORS 244.040(1), the examples illustrate occasions where a public official may also be met with a conflict of interest as defined in ORS 244.020(1) and (13). The provisions in ORS 244.040 apply regardless of whether a public official has properly disclosed a conflict of interest. [ORS 244.040(7)]. For further information, refer to the detailed discussion of conflicts of interest starting on page 11.

There are some additional prohibitions on how current and even former public officials use their offices or positions.

- ORS 244.040(3) prohibits a public official from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the public official's vote, official action or judgment.
- Public officials often have access to or manage information that is confidential and not available to members of the general public. ORS 244.040(4) specifically prohibits public officials from using or attempting to use confidential information gained because of the position held to further their own personal gain.
- ORS 244.040(5) prohibits a **former** public official from attempting to use confidential information for **any** person's financial gain if that confidential information was obtained while holding the position as a public official, from which access to the confidential information was obtained.
- ORS 244.040(6) also has a single provision to address circumstances created when public officials, who are members of the governing body of a public body, own or are associated with a specific type of business. The type of business is one that may occasionally send a representative of the business to appear before the governing body on behalf of a client for a fee. Public officials who are members of governing bodies and who own or are employed by businesses, such as a law, engineering, or architectural firm, may encounter circumstances in which this provision may apply.

Example: A member of a city council is an architect. A client developer of the architect's firm has a proposed subdivision to be approved by the city council. The architect/councilor may not appear before the city council on behalf of the client developer. Another person from the architect's firm may represent the client developer before the city council, but not the architect/councilor.

Aside from ORS 244.040, are there other prohibitions on public officials using their positions to avoid a personal financial detriment?

Yes. ORS 244.049 prohibits a holder of public office or candidates for public office from using public moneys or moneys received from a third party to make payments in connection with a non-disclosure agreement relating to workplace harassment if the alleged harassment occurred when the holder of public office or candidate was acting in that capacity. This prohibition applies to a person holding, or a candidate for, any elected state, county, district, city office or position.

Are there any circumstances in which a public official may use their position to accept financial benefits that would not otherwise be available but for holding the position as a public official?

Yes. ORS 244.040(2) provides a list of financial benefits that would not otherwise be available to public officials but for holding the position as a public official. The following financial benefits are not prohibited and may be accepted by a public official, and some may also be accepted by a public official's relative or member of the public official's household:

Not Prohibited:

- **Official Compensation:** Public officials may accept any financial benefit that is identified by the public body they serve as part of the “official compensation package” of the public official. If the public body identifies such benefits as salary, health insurance or various paid allowances in the employment agreement or contract of a public official, those financial benefits are part of the “official compensation package.” [ORS 244.040(2)(a)]



OAR 199-005-0035(3) provides a definition of “official compensation package”:

An “official compensation package” means the wages and other benefits provided to the public official. To be part of the public official's “official compensation package”, the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. “Official compensation package” also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.

- **Reimbursement of Expenses:** A public official may accept payments from the public official's public body as reimbursement for expenses the public official has personally paid while conducting the public body's business. [ORS 244.040(2)(c)]



The “reimbursement of expenses” means the payment by a public body to a public official serving that public body, of expenses incurred in the conduct of official duties on behalf of the public body. Any such repayment must comply with any applicable laws and policies governing the eligibility of such repayment. [OAR 199-005-0035(4)]

If the payment of a public official’s personal expenses does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244. There are occasions when someone will refer to the payment of a public official’s expenses by a person or entity other than the public official’s public body as a reimbursement of expenses. That is not the reimbursement of expenses as used in ORS 244.040(2)(c) and defined in OAR 199-005-0035(4).

- **Honoraria:** Most public officials are allowed to accept honoraria by ORS 244.040(2)(b) as defined in ORS 244.020(8). A public official must know how an honorarium is defined because there are many occasions when someone will offer them a financial benefit and call it an honorarium, but it does not meet the definition of honorarium in ORS 244.020(8).



For a payment to be defined as an honorarium, it must be made for a service, like a speech or other service rendered in connection with an event, for which no price is set and for which the public official required no fixed amount to be paid in return for providing the service. A payment or something of economic value given to a public official in exchange for services provided by the public official is an honorarium when the setting of the price has been prevented by custom or propriety.

A public official may not receive an honorarium when performing a service in the course of their duties as a public official. A public official may not accept honoraria if the value exceeds \$50, unless the honoraria is received for services performed in relation to the private profession, occupation, avocation, or expertise of the public official or candidate. [ORS 244.042(3)(a) and (b)].

Public officials must be sure, when they are offered a payment or something of economic value and it is referred to as an honorarium, that it does meet the definition in ORS 244.020(8). If it does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244.

NOTE: The Governor, First Partner, Secretary of State, State Treasurer, Attorney General, and Commissioner of the Bureau of Labor and Industries are explicitly prohibited by ORS 244.042(4) from soliciting or receiving an honorarium, money or any other consideration for **any** speaking engagement or presentation.

- Awards for Professional Achievement: Public officials may accept an award, if the public official has not solicited the award, and the award is offered to recognize a professional achievement of the public official. [ORS 244.040(2)(d)]



Awards for professional achievement should not be confused with awards of appreciation, allowed by ORS 244.020(7)(b)(C), an honorarium allowed by ORS 244.040(2)(b), or gifts that are allowed or restricted by other provisions in ORS Chapter 244.

Awards for professional achievement are best illustrated by awards that denote national or international recognition of a public official's achievement, such as receipt of the Nobel Prize. These awards may also be offered by public or private organizations in the state that are meant to recognize a public official for a distinguished career, such as Oregon's Teacher of the Year award made by the Oregon Department of Education which includes a monetary prize and travel funds. Professional achievements recognized may be identified as a single accomplishment or an accomplishment achieved during a period of time, such as a calendar year or a public official's career upon retirement.

- Contributions to Legal Expense Trust Fund: There are provisions in ORS 244.209 that allow public officials to establish legal expense trust funds that are approved by the Commission. ORS 244.040(2)(h) allows a public official who has established this trust fund to solicit, accept and be the trustee for contributions to the established fund. This is discussed in a separate section of the Guide p.41.



- Certain Gifts: Public officials may accept some gifts without limitation on the quantity or aggregate value of gifts. Acceptance of these gifts does not constitute a prohibited use of office. See allowable gifts, page 33. [ORS 244.040(2)(e) to (g)]



PRIVATE EMPLOYMENT OF PUBLIC OFFICIAL

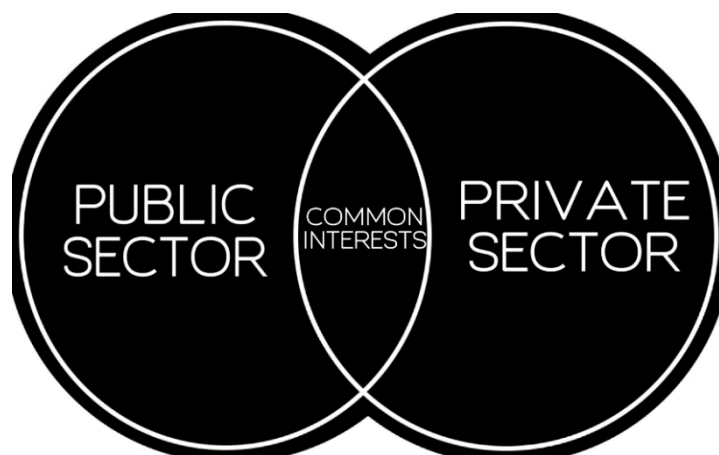
Does Oregon Government Ethics law prohibit a public official from owning a private business or working for a private employer while continuing employment with or holding a position with a public body?

No. As mentioned earlier, many public officials are volunteers, meaning there is little or no compensation for the public position. Other public officials may receive compensation from their public bodies, but still choose to seek additional sources of income. Some work for a private business and others establish a private business of their own. **NOTE: This guide does not address other statutes or agency policies that may limit private employment for public officials.**

In general, public officials may obtain employment with a private employer or engage in private income producing activity of their own, but they must keep a separation between their public positions and their outside employment or private business interests. The Commission has created the following guidelines for public officials to follow in order to avoid violating Oregon Government Ethics law when engaged in private employment or a personally owned business.

GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. Public officials must not use their public position to create the opportunity for additional personal income.
2. Public officials may not use a government agency's supplies, facilities, equipment, employees, records or any other public resources to engage in their private employment or business interests.
3. Public officials are not to engage in private business interests or other employment activities on their government agency's time.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.



EMPLOYMENT OF FORMER PUBLIC OFFICIALS

What are the restrictions on employment after I resign, retire or leave my public official position?

- ORS 244.040(1) prohibits public officials from using their official positions or offices to create a new employment opportunity; otherwise, most former public officials may enter the private work force with few restrictions.
- ORS 244.040(5) prohibits a former public official from using or attempting to use confidential information for the personal gain of any person if the confidential information was obtained while holding the position as a public official.
- Oregon Government Ethics law restricts the subsequent employment of certain public officials. The restrictions apply to positions listed below:

ORS 244.045(1) State Agencies:

Director of the Department of Consumer and Business Services
Administrator of the Division of Financial Regulation
Administrator of the Oregon Liquor Control Commission
Director of the Oregon State Lottery
Public Utility Commissioner

1. One year restriction on accepting employment from or gaining financial benefits from a private employer in the activity, occupation or industry that was regulated by the agency for which the public official was the Director, Administrator or Commissioner.
2. Two year restriction on lobbying, appearing as a representative before the agency, or otherwise attempting to influence the agency for which the public official was the Director, Administrator or Commissioner.
3. Two year restriction on disclosing confidential information gained as the Director, Administrator or Commissioner for the agency.

ORS 244.045(2) Department of Justice:

Deputy Attorney Generals
Assistant Attorney Generals

Two year restriction from lobbying or appearing before an agency that they represented while employed by the Department of Justice.

ORS 244.045(3) Office of the Treasurer:

State Treasurer
Deputy State Treasurer

1. One year restriction from accepting employment from or being retained by a private entity with which there was negotiation or contract awarding \$25,000 in a single year by the office of the State Treasurer or Oregon Investment Council.
2. One year restriction from accepting employment from or being retained by a private entity with which there was investment of \$50,000 in one year by the office of the State Treasurer or Oregon Investment Council.
3. One year restriction from being a lobbyist for an investment institution, manager or consultant, or from representing an investment institution, manager, or consultant, before the office of State Treasurer or Oregon Investment Council.

ORS 244.045(4) Public Officials who invested public funds:

1. Two year restriction from being a lobbyist or appearing before the agency, board or commission for which public funds were invested.
2. Two year restriction from influencing or trying to influence the agency, board or commission.
3. Two year restriction from disclosing confidential information gained through employment.

ORS 244.045(5) Department of State Police:

Member of State Police who has been designated by law and was responsible for supervising, directing or administering programs related to Native American tribal gaming or the Oregon State Lottery

1. One year restriction from accepting employment from or gaining financial benefit related to gaming from the Lottery or a Native American Tribe.
2. One year restriction from gaining financial benefit from a private employer who sells gaming equipment or services.
3. One year restriction from trying to influence the Department of State Police or from disclosing confidential information.

Exceptions include subsequent employment with the state police, appointment as an Oregon State Lottery Commissioner, Tribal Gaming Commissioner or lottery game retailer, or personal gaming activities.

ORS 244.045(6) Legislative Assembly
Representative
Senator

A person who has been a member of the Legislative Assembly, may not, within one year after ceasing to be a member of the Legislative Assembly, receive money or other consideration for lobbying as defined in ORS 171.725.

How would Oregon Government Ethics law apply when a former public official is employed by a business that has a contract with the public body previously represented by the former public official?



In addition to the restrictions on specific positions identified above, the restriction in ORS 244.047 applies to all former public officials. After a public official ceases serving a public body or being employed in a position as a public official, that public official may not have a direct beneficial financial interest in a public contract for two years after the date the contract was authorized by the person acting in their capacity as a public official.

Whether a public official authorizes a contract individually as an employee of a public body, or participated in the authorization of a contract in their official capacity as a member of a board, commission, council, bureau, committee or other governing body, the person is restricted from financially benefiting from that public contract for two years after the date of authorization. [ORS 244.047]

“Authorized by” is defined in OAR 199-005-0035(6) as follows:

As used in ORS 244.047, a public contract is “authorized by” a public official if the public official performed a significant role in the selection of a contractor or the execution of the contract. A significant role can include recommending approval or signing of the contract, including serving on a selection committee or team, or having the final authorizing authority for the contract.

GIFTS

Oregon Government Ethics law establishes restrictions on the value of gifts that can be accepted by a public official. If the source of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year. [ORS 244.025].



The following framework of conditions applies when public officials, their relatives, or members of their households are offered gifts. To decide if a gift, or “something of value,” can be accepted with or without restrictions, the public official must analyze the offer and the source of the offer. As will be apparent in the following discussion, the burden of any decision on accepting a gift rests solely with the individual public official.

What counts as a “gift”?

When Oregon Government Ethics law uses the word “gift” it has the meaning in ORS 244.020(7)(a):

“Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) 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 candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

In other words, a “gift” is something of economic value that is offered to:

- A public official or candidate or to relatives or members of the household of a public official or candidate,
- Without cost or at a discount or as a forgiven debt, and,
- The offer is not made or available to members of the general public who are not public officials, candidates, or their relatives or household members on the same terms and conditions.

Example: At a conference exclusively for city and county officials, a public official buys a raffle ticket and wins a big screen television. The television is a gift because the value of the television exceeds the cost of the raffle ticket and the opportunity to enter the raffle and win the television was not available to members of the general public on the same terms and conditions.

Example: Outside of a grocery store, a public official buys a raffle ticket from a local scout troop and wins a big screen television. The television is not a gift because, although the value of the television exceeds the cost of the raffle ticket, the opportunity to enter the raffle and win the television was available to members of the general public on the same terms and conditions.

Once a public official or candidate has determined that an offer is a gift, because it is something of economic value that is not offered to members of the general public who are not public officials or candidates on the same terms and conditions, the public official or candidate must then determine if the value of the gift, combined with any other gifts from the same source during the calendar year, exceeds \$50. If so, the public official must then determine if the source of the gift has a legislative or administrative interest.

Any discussion of gifts must begin with the reminder that if the source of a gift to a public official or candidate **does not** have a legislative or administrative interest in the decisions or votes of the public official or candidate if elected, the public official or candidate can accept unlimited gifts from that source. [ORS 244.040(2)(f)]

What is a “Legislative or Administrative Interest”?



Whether there is a legislative or administrative interest is pivotal to any decision a public official or a candidate, if elected, makes on accepting gifts. It will mean the difference between being allowed to accept gifts without limits, accepting gifts with an annual limit of \$50 on the aggregate value, or accepting gifts which are specified exceptions under ORS 244.020(7).

The definition of a legislative or administrative interest is set forth in ORS 244.020(10):

“‘Legislative or administrative interest’ means an economic interest, distinct from that of the general public, in:

(a) Any matter subject to the decision or vote of the public official acting in the public official’s capacity as a public official; or

(b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.”

When analyzing a set of circumstances and applying “legislative or administrative interest,” there are several factors to consider:

Source: The Commission adopted a rule that identifies the source of a gift as the person or entity that makes the ultimate and final payment of the gift’s expense. OAR 199-005-0030 places two burdens on a public official who accepts gifts. The public official must know the identity of the source and, if applicable, avoid exceeding the limit on the aggregate value of gifts accepted from that source. [OAR 199-005-0030(2)]

Distinct from that of the general public:

With regard to gifts, this phrase refers to a distinct economic interest held by the source of a gift. That economic interest is in the financial gain or loss that could result from any votes cast or decisions made by a public official. If the source of a gift would realize a financial gain or detriment from matters subject to the vote or decision of a public official, that source has an economic interest in that public official. That economic interest is “distinct from that of the general public” if the potential financial gain or detriment is distinct from the financial impact that would be realized by members of the general public from the matters subject to votes or decisions of that same public official.



There are decisions or votes that have an economic impact on single individuals or individuals from specific businesses or groups that are distinct from the economic impact on members of the general public. On the other hand, there are many votes or decisions made by public officials that have the same general economic impact on individuals, businesses, organizations and members of the general public. Some examples of decisions or votes that would likely have an economic impact on members of the general public would be those that change water usage rates for residential users, fees for pet licenses, or fines for parking violations.

To illustrate, private contractors have an economic interest in any public official who has the authority to decide or vote to award them contracts. The economic interest of these contractors is distinct from the economic interest held by members of the general public in those decisions or votes.

To further illustrate, real estate developers have an economic interest in any public official who has the authority to decide or vote to approve their land use applications or building permits. The economic interest of these developers is distinct from the economic interest held by members of the general public in those decisions or votes.

Vote: This has the common meaning of to vote as an elected member of a

governing body of a public body or as an appointed member of a committee, commission or board appointed by a governing body, Oregon Legislative Assembly, or the Office of the Governor.

Decision: A public official makes a decision when the public official exercises the authority given to the public official to commit the public body to a particular course of action. [OAR 199-005-0003(2)].



Whether to accept or reject the offer of a gift must be made individually by each public official. There will be some public officials who may accept unlimited gifts from a source and other public officials within the same public body that would have restrictions on gifts have the same authority, responsibilities or duties. Some may vote and make decisions, others may do one but not the other, and many will not vote or make decisions. This means that when gifts are offered to two or more public officials, one public official may be allowed to accept the gift without limits, and another public official may not be able to accept the gift at all, or may only be able to accept it with limits as to value or with other restrictions.

Example: A cellular service provider offers a discounted cell-phone plan for first responders. The discounted plan is available only to first responders who work for state or local governments. Because the discounted cell-phone plan is not available to members of the general public on the same terms and conditions, it is a gift subject to the restrictions and limitations in ORS 244.025. First responders who are in positions to make official decisions for their agencies that could financially affect the cellular service provider, such as Fire Chiefs or board members, could not accept the discounted cell-phone plan since the discount totals more than \$50 in a calendar year; however, first responders who are not in positions to make official decisions for their agencies that could financially affect the cellular service provider could accept the discounted cell-phone plan.

What obligations are placed on the giver of a gift?

Sources who offer gifts or other financial benefits to public officials must also be aware of the provisions in ORS Chapter 244. While the specific gift of paid expenses may be allowed by ORS 244.020(7)(b)(F), ORS 244.100(1) requires the source of this gift, if over \$50, to notify the public official in writing of the aggregate value of the paid expenses. There is also a notice requirement in ORS 244.100(2) for the source of an honorarium when the value exceeds \$15. Lobbyists, clients or employers of lobbyists, and others who provide gifts or financial benefits to public officials should also familiarize themselves with the provisions in ORS 171.725 through ORS 171.992 and Divisions 5 and 10 of Chapter 199 in the Oregon Administrative Rules. The Commission has published a “Guide to Lobbying in Oregon” that provides a summary of these regulations and rules.

What gifts may a public official accept regardless of value?

While gifts from a source with a legislative or administrative interest in the decisions or

votes of a public official may only be accepted up to the \$50 limit, there are some gifts that are excluded from the definition of a “gift,” when offered under specific conditions or when prerequisites are met. If the offer of a gift is excluded from the definition of a “gift,” the offer may be accepted by a public official, regardless of value.

The value of gifts that are allowed as exclusions does not have to be included when calculating the aggregate value of gifts received from that source in one calendar year. [ORS 244.020(7)(b)] Although some gifts are allowed by these exclusions, it should be remembered that a source may have a notice requirement or there may be reporting requirements for the public official or the source. If you are a public official accepting gifts or a source offering gifts, it is important that you become familiar with the requirements that may apply to you.

ORS 244.020(7)(b) provides a description of the **GIFTS THAT ARE ALLOWED** as exclusions to the definition of a “gift.” **NOTE:** Not all of these exclusions apply to gifts offered to candidates. These exclusions include:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(7)(b)(A)]
- Contributions to a legal expense trust fund established under ORS 244.209. [ORS 244.020(7)(b)(G)]
- Gifts from relatives or members of the household of public officials or candidates. [ORS 244.020(7)(b)(B)]
- Anything of economic value received by a public official or candidate, their relatives or members of their household when:

The receiving is part of the usual and customary practice of the person’s business, employment, or volunteer position with any non-profit or for-profit entity; [ORS 244.020(7)(b)(O)(i)] **and**

The receiving bears no relationship to the person’s holding the official position or public office. [ORS 244.020(7)(b)(O)(ii)]

- Unsolicited gifts with a resale value of less than \$25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos. [ORS 244.020(7)(b)(C); OAR199-005-0010]
- Publications, subscriptions or other informational material related to the public official’s duties. [ORS 244.020(7)(b)(D)]
- Waivers or discounts for registration fees or materials related to continuing education or to satisfy a professional licensing requirement for a public official or candidate. [ORS 244.020(7)(b)(J)]

- Entertainment for a public official or candidate and their relatives or members of their households when the entertainment is incidental to the main purpose of the event. [ORS 244.020(7)(b)(M); OAR 199-005-0001; OAR 199-005-0025]
- Entertainment for a public official, a relative of the public official or a member of the public official's household when the public official is acting in an official capacity and representing a government agency for a ceremonial purpose. [ORS 244.020(7)(b)(N); OAR 199-005-0025(2)]
- Cost of admission or food and beverage consumed by the public official, a relative of the public official, a member of the public official's household or staff when they are accompanying the public official, who is representing a government agency, at a reception, meal or meeting held by an organization. [ORS 244.020(7)(b)(E); OAR 199-005-0015; OAR 199-005-0001]
- Food or beverage consumed by a public official or candidate at a reception where the food and beverage is an incidental part of the reception and there was no admission charged. [ORS 244.020(7)(b)(L); OAR 199-005-0001(3)]
- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official. [ORS 244.020(7)(b)(K)]
- Payment of reasonable expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, conference, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues, or not-for-profit organizations that are tax exempt under 501(c)(3). [ORS 244.020(7)(b)(F); OAR 199-005-0020; OAR 199-005-0001]
- Payment of reasonable food, lodging or travel expenses for a public official, an accompanying relative, member of household, or staff, may be accepted when the public official is representing their government agency at one of the following: [ORS 244.020(7)(b)(H); OAR 199-005-0020; OAR 199-005-0001]
 - Officially sanctioned trade promotion or fact-finding mission; [ORS 244.020(7)(b)(H)(i)] **or**
 - Officially designated negotiation or economic development activity when receipt has been approved in advance. [ORS 244.020(7)(b)(H)(ii)]

[NOTE: Who may officially sanction and officially designate these events, and how to do so, is addressed in OAR 199-005-0020(3)(b).]

- Payment to a public school employee of reasonable expenses for accompanying students on an educational trip. [ORS 244.020(7)(b)(P)]
- Food and beverage when acting in an official capacity in the following circumstances: [ORS 244.020(7)(b)(I)]
 - In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction; [ORS 244.020(7)(b)(I)(i)]
 - When the office of the Treasurer is engaged in business related to proposed investment or borrowing; [ORS 244.020(7)(b)(I)(ii)]
 - When the office of the Treasurer is meeting with a governance, advisory or policy making body of an entity in which the Treasurer's office has invested money. [ORS 244.020(7)(b)(I)(iii)]

GIFTS AS AN EXCEPTION TO THE USE OF OFFICE PROHIBITION IN ORS 244.040

As covered in more detail in the discussion beginning on page 17, public officials are prohibited from using or attempting to use the position they hold to obtain a prohibited financial benefit. [ORS 244.040(1)] As covered in more detail in the discussion beginning on page 26, Oregon Government Ethics law does not prohibit public officials from accepting gifts, but it does place on each individual public official the personal responsibility to understand there are circumstances when the aggregate value of gifts may be restricted. [ORS 244.025] These provisions of Oregon Government Ethics law often converge and require analysis by public officials to determine whether the opportunity to obtain financial benefits represents the use of an official position prohibited by ORS 244.040(1) or a gift addressed with other provisions in ORS Chapter 244 [ORS 244.020(7), ORS 244.025 or ORS 244.040(2)(e),(f) and (g)].



ORS 244.040 was amended in 2007 to make the acceptance of gifts that comply with ORS 244.020(7) and ORS 244.025 exceptions to the prohibition on public officials' use or attempted use of an official position to gain financial benefits. [ORS 244.040(2)(e), (f) and (g)] If a public official, relative, or household member accepts a permissible gift or a financial benefit that qualifies as an exception to the definition of a gift, ORS 244.040(1) does **not** prohibit its acceptance. If a public official, relative, or household member accepts a gift that exceeds the restrictions or limitations set forth in ORS 244.025, then that gift would not qualify under the exceptions set forth in ORS 244.040(e), (f) and (g). Acceptance of that gift could constitute a violation of both ORS 244.025 and ORS 244.040(1).

When the Commission applies Oregon Government Ethics law to “something of economic value” offered to a public official that meets the definition of “gift,” it will first be analyzed to determine whether it is a violation of ORS 244.025. If the Commission determines that acceptance of the gift constitutes a violation of ORS 244.025 (unlawful acceptance of a gift), it will then determine if it also constitutes a violation of ORS 244.040(1) (prohibited use of office).

The following are examples to illustrate the Commission’s approach:

- The mayor of a town on the Oregon coast was a college roommate with Bob Smith, who now manages a company that owns many golf courses in Oregon and other states. One of the company’s golf courses is in the mayor’s town. The mayor and

Bob have remained friends ever since college. Recently, Bob invited the mayor to join him at the Masters' Tournament in Augusta, offering to fly him there on Bob's private jet, stay in Bob's condo, and host him at a private booth at the Tournament. The value of this trip exceeds \$50, and Bob has a legislative or administrative interest in the mayor's decisions as a public official, as one of Bob's golf courses is in the mayor's town. Since the value of the trip exceeds \$50, is not extended to others who are not public officials on the same terms and conditions, and is from a source with a legislative or administrative interest, it is a gift that the mayor cannot accept without violating ORS 244.025(1). It also does not qualify as an exception to ORS 244.040(1). [ORS 244.040(2)(e)]. Bob has been inviting his old college friend on this trip for at least 10 years, long before the friend was elected mayor recently. This and other evidence indicates that the mayor received this offer because he and Bob are friends, not because he is the town's mayor; therefore, the offer of this trip does not represent a financial gain that would not be available to the mayor but for his holding his public office. Thus, if the mayor accepted the gift of this trip, the mayor would violate ORS 244.025(1) (acceptance of an unlawful gift), but would not violate ORS 244.040(1) (prohibited use of office).

- A public works director for B City holds weekly breakfast meetings at a local diner. The public works director invites five main contractors in B City, all of whom do business with the city, to attend these meetings. The contractors take turns picking up the tab for the public works director's breakfast. Because the public works director has the authority to recommend the contractors for projects with the city, the contractors have economic interests distinct from that of the general public in the public works directors' decisions or recommendations. Over the course of a calendar year, each contractor pays for at least ten meals for the public works director, at a total aggregate cost exceeding \$50. These meals constitute unlawful gifts to the public works director, as their value exceeds \$50, they are not extended to others who are not public officials on the same terms and conditions, and they are from sources with distinct economic interests in the public works director's decisions or recommendations. The contractors would not pay for these meals if he were not the public works director. Thus, in addition to violating ORS 244.025(1), by accepting these meals the public works director also violates ORS 244.040(1).

The responsibility for judgments and decisions made in order to comply with the various provisions in Oregon Government Ethics law rests with the individual public official who faces the circumstances that require a judgment or decision. That is true of questions regarding gifts, use of an official position, announcing the nature of conflicts of interest and the many situations addressed in ORS Chapter 244.

NEPOTISM



Does Oregon Government Ethics law prevent two or more relatives from being employees of the same public body?

No. Public officials who are relatives can be employed by the same public body employer at the same time, or serve at the same time on the same governing body of a public body.

ORS Chapter 244 does, however, does address the issue of “nepotism.” The definitions of “member of household” and “relative” found in ORS Chapters 244.020(11) and 244.020(16) apply here: See page 7.

What are the provisions that address nepotism?

Public officials are restricted from participating in personnel actions taken by the public agency that would impact the *paid employment* of a relative or member of the public official’s household. If a public official has a relative or household member who has applied to be or serves as an *unpaid volunteer*, the public official may participate in any personnel action that involves the relative or member of the household.

Personnel actions addressed by this statute include:

- Appointing, employing or promoting a relative or member of the public official’s household; or
- Discharging, firing or demoting a relative or member of the public official’s household.

ORS 244.177(1)(a) provides that a public official may not appoint, employ or promote (or discharge, fire or demote) a relative or member of their household from a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of ORS Chapter 244. Even if the public official discloses a conflict of interest, a public official who takes such a personnel action for a relative or member of their household could still be found in violation of the use of office provisions of ORS 244.040(1).

Separately, ORS 244.177(1)(b) directs that a public official may not participate in any interview, discussion or debate regarding such personnel actions involving a relative or member of the public official’s household.

A public official who is assigned duties that include performing “ministerial acts” related

to any stage of a relative's employment is not prohibited from performing such acts. "Ministerial acts" would include mailing or filing forms or correspondence, taking and relaying messages, scheduling appointments or preparing documents and minutes for public meetings. A public official may serve as a reference or provide a recommendation for a relative who has applied for a position of employment, promotion, or is subject to any personnel action.

Exception: Public officials may not, however, participate in appointing a relative or member of the household to an unpaid position on the governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control. [ORS 244.177(3)(a) and (b)]

Can public officials supervise their relatives or members of their households?

Nepotism also applies to supervision of relatives or members of the public official's household. ORS 244.179(1) prohibits public officials from directly supervising relatives or members of their household in paid positions. The public official may supervise an unpaid volunteer serving the public body, unless the volunteer position is as a member of a governing body of the public body. [ORS 244.179(3)]



Policy Exception: ORS 244.179(4) permits a public body to adopt policies that specify when a public official, acting in an official capacity for the public body, may directly supervise a relative or member of the public official's household in a paid position. OAR 199-005-0080 provides guidance to public bodies in developing such policies. Absent such a policy, a public official may not directly supervise a remunerated person who is a relative or member of the public official's household. [ORS 244.179(1)]

Direct supervision of a paid relative or household member includes official actions that would financially impact their relative or household member, such as:

- Conducting performance reviews
- Approving leave or vacation time
- Recommending or approving pay changes
- Assigning shifts
- Approving overtime
- Authorizing or approving reimbursements or travel expenses
- Authorizing worksite assignments or teleworking

Exception: Public officials who are elected members of the Oregon Legislative Assembly are not prohibited from participating in employment actions, including supervision of their relatives or household members on their personal staff [ORS 244.177(2)].

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST



There are approximately 5,500 Oregon public officials who must file an **Annual Verified Statement of Economic Interest (SEI)** with the Oregon Government Ethics Commission **by April 15** of each calendar year. The SEIs are now filed electronically through the Commission's Electronic Filing System (EFS).

ORS 244.050 identifies the public officials who are required to file SEIs. Please refer to that statute to see if your specific office or position requires you to file an SEI. In general, public officials who hold the following positions are required to file:

- State public officials who hold elected or appointed executive, legislative or judicial positions. This includes those who have been appointed to positions on certain boards or commissions.
- In counties, all elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file. Planning commission members and the county's principal administrator must also file.
- In cities, all elected officials, the city manager or principal administrator, municipal judges and planning commission members must file.
- Administrative and financial officers in school districts, education service districts and community college districts must file.
- Some members of the board of directors for certain special districts must file.
- Candidates for some elected public offices are also required to file.

The Commission staff has identified by jurisdiction the public officials whose position requires them to file the SEI. Each jurisdiction (city, county, executive department, board or commission, etc.) has a person (jurisdictional contact) who acts as the Commission's point of contact for that jurisdiction. [OAR 199-020-0005(1)]

The **jurisdictional contact (JC)** for each jurisdiction has an important role as a liaison between the Commission and the SEI filers in their jurisdiction. It is through the JC that the Commission obtains the current name, address and email address of each public official who is required to file. When there is a change in who holds a position through resignation, appointment or election, the JC periodically updates their jurisdictional records and beginning in January of each year the JC is asked to update and verify the required filers in the EFS system. Any necessary changes or updates in EFS are due by February 15. [OAR 199-020-0005(2)]

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirement to complete and submit the SEI by April 15. Those public officials who must file an SEI are well served if the JC for their jurisdiction ensures that the Commission has the correct name and email address of the public official. The JC should ensure that each SEI filer has been advised of the reporting requirements. Each filer should also receive information as to the procedures the jurisdiction follows to assist the filer in meeting the SEI filing requirement.

Again, the requirement to file the SEI is the personal responsibility of each public official. Each public official should comply and file timely, as the civil penalties for late filing are \$10 for each of the first 14 days after the filing deadline and \$50 for each day thereafter until the aggregate penalty reaches the maximum of \$5,000. [ORS 244.350(4)(c)]

SEI Filing

NOTE: Only public officials who hold a position that is required to file, and who hold that position on April 15 of the year the SEI is due, must file an SEI.

SEIs are filed online through the Commission's Electronic Filing System (EFS). Notifications and instructions for e-filing will be sent to SEI filers electronically via email addresses initially supplied in EFS by the JC and updated when necessary.

The following is a brief description of the information requested in the SEI electronic filing. The information needed to complete the filing pertains to the previous calendar year.

- Name, address and a brief description of each business in which a position as officer or director was held by the filer or household member. [ORS 244.060(1)]

Name, address and a brief description of each business through which the filer or household member did business. [ORS 244.060(2)]

Name, address, and brief **description** of the **sources** (*not amounts*) of income for the filer and household members that represent 10 percent or more of the annual household income. [ORS 244.060(3)]

Example: An SEI filer resides only with a spouse and their annual household income from the prior year is derived from the spouse's job at Walmart, the spouse's retirement, and the public official's salary as an employee at a public university. The respective "sources" would be: "Walmart", "Social Security" and "XX University"; respective "descriptions" would be "spouse's wages", "spouse's retirement" and "filer's salary".

- Ownership interests held by the filer or household members in real property, **except for their principal residence**, located within the geographic boundaries of the jurisdiction in which the filer holds the position or seeks to hold. [ORS 244.060(4)(a) and (b)] **NOTE: SEI filers who serve statewide and members of the Legislative**

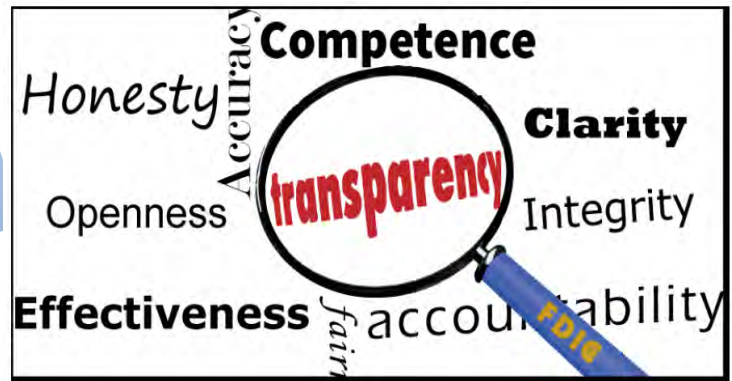
Assembly must report real property held within the entire state of Oregon. This applies to candidates for statewide office and the Legislative Assembly.

- Honoraria or other items allowed by ORS 244.042 that exceed \$15 in value given to the filer or household members. Include a description of the honoraria or item and the date and time of the event when the item was received. [ORS 244.060(7)] Remember that honorarium cannot exceed \$50. [ORS 244.042(3)(a)]
- Name of each lobbyist associated with any business with which the filer or household member is associated, unless the association is through stock held in publicly traded corporations. [ORS 244.090]
- If the public official received over \$50 from an entity when participating in a convention, fact-finding mission, trip, or other meeting as allowed by ORS 244.020(7)(b)(F), list the name and address of the entity that paid the expenses. Include the event date, aggregate expenses paid and the purpose for participation. [ORS 244.060(5) and ORS 244.100(1)] [Not required for candidates]
- If the public official received over \$50 from an entity when participating in a trade promotion, fact-finding mission, negotiations or economic development activities as allowed by ORS 244.020(7)(b)(H), list the name and address of the person that paid the expenses. Include the event date, aggregate expenses paid and nature of the event. [ORS 244.060(6)] [Not required for candidates]
 - **EXCEPTION:** Expenses paid by the public body to their own public officials need not be reported by the public official under ORS 244.060 [OAR 199-005-0035(4)].

The following is required if the information requested relates to an individual or business that has been doing, is doing or could reasonably be expected to do business with the filer's governmental jurisdiction, has a legislative or administrative interest in the filer's governmental jurisdiction, or over which the filer exercises any authority:

- Name, address and description of each source of income (taxable or not) that exceeds \$1,000 for the filer or a household member. [ORS 244.060(8)]
- Name of each person the filer or a household member owes or has owed \$1,000 or more in the previous calendar year. Include the date of the loan and the interest rate. Debts on retail contracts or with regulated financial institutions are excluded. [ORS 244.070(1)]
- Name, address and description of nature of each business in which filer or household member has beneficial interest over \$1,000 or investment held in stocks or securities over \$1,000. Exemptions include mutual funds, blind trusts, deposits in financial institutions, credit union shares and the cash value of life insurance policies. [ORS 244.070(2)]

- Name of each person from whom the filer received a fee of over \$1,000 for services, unless disclosure is prohibited by law or a professional code of ethics. [ORS 244.070(3)]



LEGAL EXPENSE TRUST FUND

The Oregon Government Ethics Commission can authorize a public official to establish a legal expense trust fund to be used to defray expenses incurred for a legal defense in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. [ORS 244.205]

The provisions regarding the establishment of this fund are detailed in ORS 244.205 through ORS 244.221. If a public official is considering the need to establish a legal expense trust fund, these provisions should be reviewed. The Commission staff is available to provide guidance on the procedures. The following are some of the significant elements of a legal expense trust fund:

- A public official may only have one trust fund at any one time. [ORS 244.205(4)]
- The application to establish the fund must be submitted to the Commission for review and authorization. ORS 244.209 details what information and documents must accompany the application.
- The public official may act as the public official's fund trustee. [ORS 244.211(2)]
- Once authorized and established, any person may contribute to the fund. [ORS 244.213(1)]
- Contributions from a principal campaign committee are not allowed. [ORS 244.213(3)]
- Funds must be maintained in a single exclusive account [ORS 244.215].
- Quarterly reports of contributions and expenditures from the fund are required. [ORS 244.217]
- The fund may be terminated within six months after the legal proceeding for which the fund was established has been concluded. [ORS 244.219]
- When terminated, remaining funds must be returned to contributors on a pro rata basis. [ORS 244.221(1)]
- If the legal proceeding for which the fund was initiated resulted in any financial award or money judgment in favor of the public official, such moneys shall be distributed in the following order: outstanding legal expenses, to trust fund contributors on a pro rata basis, and to the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the IRS Code. [ORS 244.221(2)]

Once established, can the public official solicit funds in order to pay for the cost of a legal defense?

Yes. An exception to the prohibited use of office provision explicitly allows a public official to solicit and accept funds for the official's legal expense trust fund. [ORS 244.040(2)(h)] Also, contributions to a legal expense trust fund are excluded from the definition of a "gift." [ORS 244.020(7)(b)(G)]

OREGON GOVERNMENT ETHICS COMMISSION

The Governor appoints all nine members of the Commission and each appointee is confirmed by the Senate. The commissioners are recommended as follows: [ORS 244.250]

- 2 Recommended by the Senate Democratic leadership
- 2 Recommended by the Senate Republican leadership
- 2 Recommended by the House Democratic leadership
- 2 Recommended by the House Republican leadership
- 1 Recommended by the Governor

The Commission members select a chairperson and vice chairperson annually. No more than three commissioners with the same political party affiliation may be appointed to the Commission to serve at the same time. The commissioners are limited to one four-year term, but if an appointee fills an unfinished term they can be reappointed to a subsequent four year term.

The Commission is administered by an executive director, who is selected by the Commission. Legal counsel is provided by the Oregon Department of Justice. Commission staff provide administration, training, guidance, issue written opinions and advice, and conduct investigations when complaints are filed with the Commission.

Training:

The Commission has designated training as one of its highest priorities. It has two staff positions to provide free training to public officials and lobbyists on the laws and regulations under its jurisdiction. Training is provided through presentations at training events, web-based training, informational links on the website, topical handouts and guidance offered when inquiries are received. Contact the Commission to obtain free training through our website at <https://www.oregon.gov/ogec/training/Pages/default.aspx>



Advice:



Questions regarding the Commission’s laws, regulations and procedures are a welcome daily occurrence. Timely and accurate answers are a primary objective of the staff. All members of the Commission staff are cross-trained in the laws and regulations under the Commission’s jurisdictions. Guidance and information is

provided either informally, over the telephone at 503-378-5105, by e-mail at ogec.mail@oregon.gov, or in the following written formal advice and opinions:

- **Staff Advice:** ORS 244.284 provides for informal staff advice, which may be offered in several forms, such as in person, by telephone, e-mail or letter. In a letter of advice, the proposed, hypothetical or actual facts are restated as presented in

the request, along with the relevant statutes and administrative rules. The advice will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.

- **Staff Advisory Opinion:** ORS 244.282 authorizes the executive director to issue a staff advisory opinion upon receipt of a written request. The Commission must respond to any request for a staff advisory opinion within 30 days, unless the executive director extends the deadline by an additional 30 days. The staff advisory opinion is issued in a letter that restates the proposed, hypothetical or actual facts presented in the written request and identifies the relevant statutes and administrative rules. The opinion will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.
- **Commission Advisory Opinion:** ORS 244.280 authorizes the Commission to prepare and adopt by vote a Commission Advisory Opinion. Commission advisory opinions are reviewed by legal counsel before being adopted by the Commissioners. The opinion will identify the relevant statutes and administrative rules and will discuss how the law applies to the questions asked or raised by the fact circumstances provided in the request. The Commission must respond to any request for a Commission Advisory Opinion within 60 days, unless the Commission extends the deadline by an additional 60 days.

Public officials who request advice or formal opinions must describe the specific facts and circumstances that provide the basis for questions about how the Oregon Government Ethics law may apply. The facts and circumstances may be hypothetical or actual, but must be prospective, describing a proposed transaction or action, not one that has already occurred. If actual circumstances indicate that a violation may have already occurred, the staff cannot provide advice or an opinion because to do so could compromise the Commission’s objectivity if a complaint were to be filed. As described below, whether a public official relied on Commission advice or opinions is relevant to sanctions, in the event a complaint is filed against the public official.

If a person requests, receives or relies on any of the advice or opinions authorized by ORS 244.280 through ORS 244.284, does that person have what is referred to as “safe harbor”?

There is no “safe harbor,” if the term is understood to mean that any person who relies on any advice or opinions offered by the Commission or the staff is protected from being a respondent to a complaint or from being found in violation of laws within the jurisdiction of the Commission.



There is, however, specific and conditional protection for any person who has requested and relied in good faith upon advice or an opinion from the Commission or its staff. The conditions and protection is as follows:

- The fact circumstances described in the request must not misrepresent, misstate or omit material facts.
- Reliance on the advice or opinion means that the action or transactions of the person were those described or suggested in the advice or opinion.
- The protection applies only during the penalty phase, after the Commission has determined that a violation has occurred. If there was reliance on staff advice or a Staff Advisory Opinion, the Commission may consider the reliance during the penalty phase. If reliance was on a Commission Advisory Opinion, the Commission may not impose a penalty.

The specific protections for the different forms of advice are as follows:

Staff Advice: If the Commission makes a finding that a public official violated provisions of law within its jurisdiction, and that public official acted in accordance with staff advice offered under the authority of ORS 244.284, the Commission may consider that information when sanctioning the violation. [ORS 244.284(2)] The Commission is not prevented from finding a violation, but the sanction imposed could be affected.

Staff Advisory Opinion: If the Commission determines that a public official violated provisions of law within its jurisdiction, and the public official acted in accordance with a staff advisory opinion under the authority of ORS 244.282, in sanctioning the violation, the Commission may consider whether the public official committed the violation when acting in reliance on the staff advisory opinion. [ORS 244.282(3)] The Commission is not prevented from finding a violation in these circumstances, but any sanction is limited to issuing a written letter of reprimand, explanation, or education, unless it finds that the person omitted or misstated material facts in the request for a staff advisory opinion.

Commission Advisory Opinion: The Commission may not impose a penalty on a person for any good faith action taken by the person while relying on a Commission Advisory Opinion, unless it is determined that the person who requested the opinion omitted or misstated material facts in the opinion request. [ORS 244.280(3)] For the Commission Advisory Opinion to be a factor in preventing the imposition of a penalty, it is important to understand that the circumstances described in the request must have been an accurate description of what occurred when the respondent committed the violation, and the actions of the respondent must have been those recommended or described in the Commission Advisory Opinion. The Commission is not prevented from finding a violation in these circumstances, but could be prevented from imposing a sanction.

Any person who has not requested advice or an opinion must be cautious when trying to apply advice or opinions offered to others. The advice and opinions given are based on and tailored to the specific fact circumstances presented in a request. Fact circumstances

vary from one situation to another and they vary from one public official to another. If a person reviews an opinion or advice issued to another for circumstances the person believes similar to those now met and relies on that advice, the person must ensure the similarity is sufficient for the application of law to be the same.

It is important to remember that the provisions of law apply to the individual actions of the person or public official. There are events or occasions when more than one public official may be present and participating in their official capacities. Depending on the circumstances and conditions for an event or transaction, the law may have a different application for one public official than for other public officials.

Published advice that the Commission has issued may be found at <https://www.oregon.gov/oqec/public-records/Pages/Advice-and-Opinions.aspx>



Compliance:

The Commission has a program manager who oversees the management and administration of the various reports that are filed with the Commission. There are approximately 1,000 lobbyists who must file or renew their lobbying registrations every two years. These lobbyists, and their clients or employers, must also file lobbying activity expense reports every quarter. Additionally, there are approximately 5,500 public officials who must file the Annual Verified Statement of Economic Interest each April 15. The program manager and Commission staff are available by telephone or e-mail to provide assistance and answer questions about registration and filing requirements and procedures.

Complaint Review Procedures:

Investigations are initiated through a complaint procedure. [ORS 244.260 and ORS 171.778] Any person may file a signed, written complaint alleging that there may have been a violation of Oregon Government Ethics law, Lobbying Regulation or the executive session provisions of Oregon Public Meetings law. The complaint must identify the public official believed to have violated the law, and must state the person's reason for believing that a violation may have occurred and include any evidence that supports that belief. The complaint must identify and be signed by the person filing it. Anonymous complaints are not accepted. The executive director reviews the complaint for jurisdiction and sufficiency. If additional information is needed, the complainant is asked to provide that information.

Complaints are filed online via the “Complaint Form” found on the Commission’s website homepage at <https://www.oregon.gov/ogec/public-records/Pages/Complaints.aspx>. All complaints must be signed, either through an e-signature if submitted through the online complaint system, or an inked signature if filed by paper. NOTE: The name of the complainant is furnished to the subject of a complaint.

If there is reason to believe that a violation of laws within the jurisdiction of the Commission may have been committed, a case will be initiated upon receipt of a complaint. The Commission may also initiate a case on its own complaint by motion and vote. Before approving such a motion, the public official against whom the action may be taken is notified and given an opportunity to appear before the Commission at the meeting when the matter is discussed or acted upon.

When a case is initiated, the public official against whom the allegations are made is referred to as the respondent. The respondent is notified of the complaint and provided with the information received in the complaint and the identity of the complainant. Whether based on a complaint or a motion by the Commission, the initial stage of the case is called the preliminary review phase. The time allowed for this phase is limited to 30 days (135 days for lobby cases) and ends when the executive director finalizes the preliminary review report.

A court may enjoin the Commission from continuing its inquiry during the preliminary review phase. Also, if a complaint is made against a candidate within 61 days of an election, the candidate may make a written request for a delay. [ORS 244.260(4)(a)]

During the preliminary review phase, the Commissioners and staff can make no public comment on the matter other than to acknowledge receipt of the complaint. It is maintained as a confidential matter until the Commission meets in executive session to consider whether to dismiss the complaint or find cause to conduct an investigation. Following the Commission’s consideration of the preliminary review report in executive session, the case file is subject to public disclosure.

If the Commission votes to dismiss the complaint, the matter is concluded and both the respondent and complainant are notified. If cause is found to investigate, then an investigatory phase begins. The investigatory phase is limited to 180 days. The investigatory phase may be suspended during a pending criminal investigation if the Commission determines that its own investigation cannot be adequately completed until the criminal investigation is complete, or if a court enjoins the Commission from investigation.

During the investigatory phase, Commission investigators will solicit information and documents from the complainant, respondent, and other witnesses and sources that are identified. Before the end of the 180 day investigatory period, an investigation report will be prepared. The investigation report is reviewed by the Commission’s legal counsel before being finalized by the executive director. The investigation report is presented to the Commission in the public session portion of its meeting. The Commission will then

consider the results of the investigation and generally will vote to either dismiss the complaint or make a preliminary finding that a violation of law was committed by the respondent. The preliminary finding of a violation is based on what the Commission considers to be a preponderance of evidence sufficient to support such a finding.

If a preliminary finding of violation is made, the respondent will be offered the opportunity to request a contested case hearing. At any time, either during the investigative phase or after a preliminary finding of violation is made, the respondent is encouraged to negotiate a settlement with the executive director, who represents the Commission in such negotiations. Most cases before the Commission are resolved through a negotiated settlement, with the terms of the agreement set forth in a Stipulated Final Order.

The Commission has a variety of sanctions available after making a finding that a violation occurred. Sanctions range from letters of education, reprimand, or explanation, to civil penalties and forfeitures. The maximum civil penalty that can be imposed for each violation of Oregon Government Ethics law is \$5,000, except for violations of ORS 244.045 (regulation of subsequent employment) where the maximum penalty is \$25,000 and for “willful” violations of ORS 244.040 (the “prohibited use of position or office” provision) where the maximum penalty is \$10,000. An additional civil penalty may be assessed equal to twice the financial gain that a respondent realized from a violation. Each violation of the executive session provisions in ORS 192.660 is subject to a maximum fine of \$1,000. Any monetary sanctions paid are deposited into the State of Oregon General Fund.

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Making Motions: A Sample Motion



MEMORANDUM

TO: DRB Member

FROM: Barbara A. Jacobson, City Attorney

DATE: January 23, 2020

RE: Making Motions – a Refresher

I. Introduction

Below is a recap of basic parliamentary procedure, along with sample motions to cover most everything you may encounter at a public hearing.

II. Basic Meeting and Motion Procedure

- The Chair calls the meeting to order (see the attached script for more detail).
 - The Chair reads the prehearing statements about the hearing and testimony.
 - Only those who are recognized by the Chair may speak during the hearing.
 - The Chairperson is generally addressed as Mr. Chairman, Madam Chairwoman, or other proper title, where preference is expressed.
 - During the hearing, members may ask questions of the applicant or staff, or clarify or expand upon issues raised by other DRB members.
 - Once the hearing is closed, members may consult with staff but not the applicant or members of the audience.
 - In order to discuss the matter after the hearing is closed, a motion must be made. This is the time for debate and discussion among the members but it may not occur until a motion is made and seconded, but before the question is called. The Chair asks, “Do I have a motion?”
 - After being recognized, the DRB member who wishes to discuss a topic should state: “I move that _____ (*description of desired action*).” If there is a motion and there is no second, the motion dies. If seconded, Parliamentary
-

Rules require that the Chair re-state the motion and then call for discussion. (Prior to the Chair's restatement of the motion, the motion maker may amend the motion.)

- Once the motion is restated, the motion is discussed and voted on. If any member wants to modify the original motion, that member must move to amend the original motion (“I move that the current motion be amended to . . .”) If the amending motion fails to get a second, it dies.
- Because our decision making bodies are not so procedure bound, the bodies have often discussed the motion after it is seconded, without a restatement by the Chair. This enables the motion maker to withdraw and remake the seconded motion, or accept an amended motion without the formal amendment process discussed above. This is a matter of group preference. Therefore, in the past, for motions that are likely to change with discussion, debate occurs after the initial motion is seconded but before it is repeated by the chair to allow for more formal amendment. This panel can elect to follow Robert’s Rules, or continue with the less formal approach.
- If debate has been exhausted, the Chair may ask, “Is there any further discussion?” and/or “Are you ready for the question?” If there is no further discussion, the Chair will restate the motion (“The motion before the Board is to _____.”). [Note: Chairs will obviously have to take notes sufficient to restate the motion for the benefit of the body and the transcriptionist. All members should also have notes in order to correct any error or discrepancy.] The Chair then calls for the vote (“All in favor, say aye; all opposed, nay.”).
- The Chair announces the vote, and follows with post-hearing statements (e.g., announcing appeal process – see script).
- At the end of the meeting, the Chair asks for a “motion to adjourn.”

III. Sample Motions

The following are examples of common motions to be made, based upon what happens during testimony.

1. *If staff announces any proposed corrections or changes to the staff report:* If, as often happens, staff announces changes or corrections to the staff report, then you will say, “I move to amend the staff report as read into the record by Sylvester Staffer.”
2. *If there is a change captured by a new exhibit:* If a party (usually a proponent) modifies the proposal by way of a new exhibit to be entered into evidence, then the movant states: “I move to amend the staff report description of the proposal on page ___ of ___ as provided by Exhibit ___.” If new conditions or findings are similarly incorporated in an exhibit, make the same kind of motion. (“I move to amend Finding / PF Condition ___ on page ___ of the staff report to incorporate Finding / Condition ___ on Exhibit ___ to read _____.” — or — “I move to amend condition of approval PF ___ on page ___ of the staff report to read _____.”) Be sure to state page numbers, making clear whether the page numbers refer to the staff report or to the new exhibit.

3. *If a change is verbalized at the meeting and is relatively complex:* If the City Attorney or another staff member has clearly read into the record the substance of amendments to the proposed enactment, condition, or finding, then the movant should state: "I move to amend Finding ___ on page ___ of the staff report as read into the record by the City Attorney." If the change is easy to state in its entirety, please do so yourself. For example, "I move to replace the word 'may' on line ___ of the proposed resolution with the word 'must.'"
4. *If there is a proposed change after the Chair restates the motion:* If the Chair has restated the motion and someone wants to change it further, then movant states: "I move to amend the main motion by adding _____ / deleting _____." If the amending motion is seconded, the Chair will restate the amended motion. Following discussion, the Chair will call for a vote.
5. **Practical Example:** What if a motion is made that you agree with in part but not in full? For example, a motion is made to approve a resolution. You would be willing to approve the resolution but without the requested height waiver that is currently allowed by the resolution. What do you do? After the main motion has been made and seconded and repeated by the chair, but before the vote, you can make a secondary motion to amend the first motion. "Chairman O'Neil, I move to approve the resolution, amended to remove the height waiver." If that secondary motion is seconded, then that is the motion that is voted on before the main motion. If it passes, the main motion fails. If it fails and there are no further secondary motions, the chair calls the question for the main motion. If the main motion passes and there are no other motions, the hearing is closed. Thus, anyone who doesn't like the main motion has the opportunity to offer an alternative motion in the form of a secondary motion to amend, which will be considered and voted on before the main motion.

IV. Tips

1. It is helpful, as a matter is brought forward, for members to decide who will be making the motion. Too often, the Chair asks for a motion and nobody has kept careful notes of the changes or can articulate the desired motion. All members should be following the discussion and noting the proposed changes, but the actual motion maker must track all the elements of the motion. Preferably, he or she writes the motion prior to making it. Keep in mind that if the motion is not completely clear to the Board, then any changes that are to be made by a motion can be misinterpreted. Note that the Chair of the DRB is empowered to make a motion, as are all DRB members.
2. All remarks should be addressed to the Chair or the body as a whole, not to individual DRB members, except for specific questions to the staff, applicant, City Attorney, or person providing testimony.
3. Keep remarks brief, specific, and germane to the pending question.
4. Members are required to be impartial and courteous.

5. Voting is a duty of every DRB member. Absent compelling circumstances, including but not limited to conflict of interest, members should not abstain from voting.
6. *Tip for making clear motions:* The most common motion is to adopt a staff report and to approve the resolution proposed by the staff report. However, in the course of the presentation, the staff report may have changed. Therefore, the following is suggested as the clearest way to make a motion that first amends the staff report and then passes the Resolution:

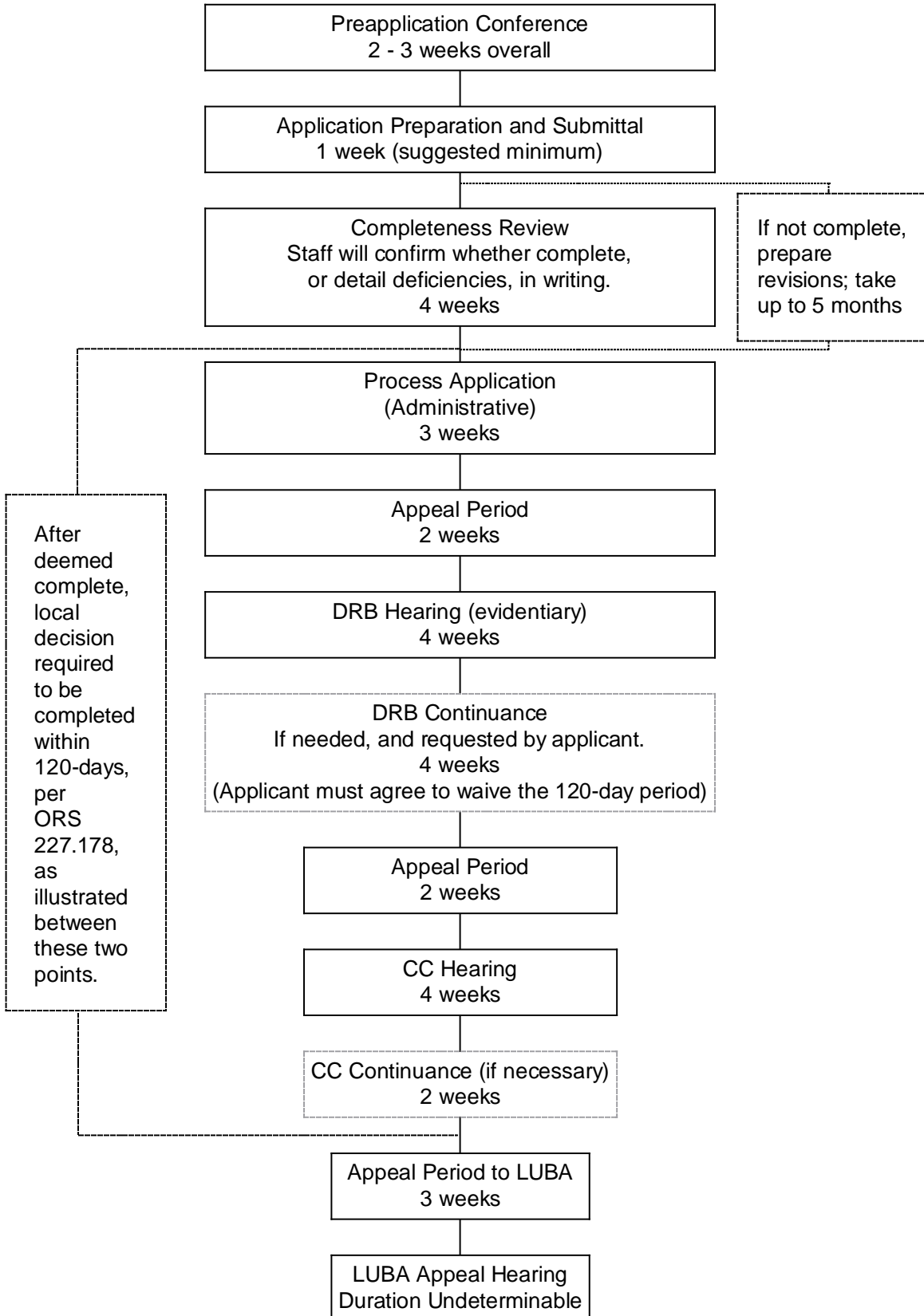
The first motion is a motion to amend the staff report. Following passage of the motion to amend the staff report, a member should make a motion to adopt the Resolution. Because the Resolution language adopts the staff report *as amended*, the second motion is simply: “I move to adopt Resolution No. ____.”

Elements of a Staff Report

Chart of Typical Development Review Process and Duration

City of Wilsonville Planning Division Typical Development Review Process and Overall Duration

Abbreviations: DRB = Development Review Board CC = City Council LUBA = Oregon Land Use Board of Appeals
 Note: All durations are approximate; 120 days = 17 wks + 1 day



Reading Plans

READING PLANS

- HOW TO USE ARCHITECT'S AND ENGINEER'S SCALES

HOW TO READ:

- SITE PLAN
- GRADING PLAN
- UTILITY PLAN
- LANDSCAPE PLAN
- TOWNSHIP GRIDS, SECTIONS AND TAX LOTS

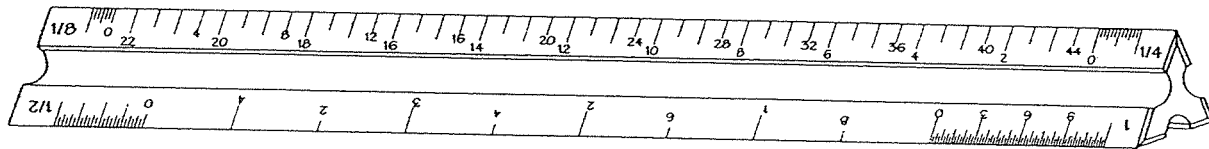
Construction plans are drawn to *scale* so that the boundaries of the building site and all views of the building and its parts can appear on a set of plans. A *scale drawing* must be in exact proportion to the actual size of the building and its parts. Generally speaking, the larger the size of an object, the smaller the scale will be. For example, a smaller scale is used for site plans that show the full size of a lot. A larger scale can be used for the different plan views of a building. Individual detail drawings take up less space and can be drawn to the largest scale. The scale used will always be identified below or next to a drawing.

The three types of rules used to draw plans to scale are the architect's scale, engineer's scale, and metric scale. The rules are available in flat or triangular shapes. Persons reading the plans can use these rules to check or find dimensions omitted from the drawings. (See Figure 4-1).

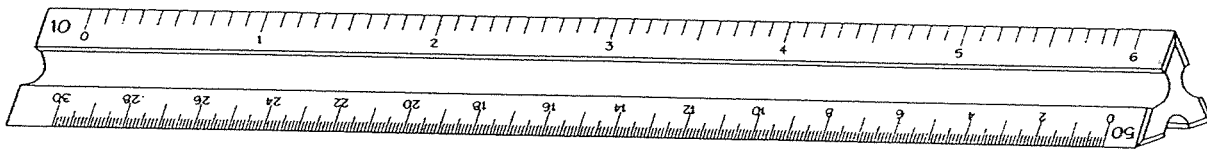
ARCHITECT'S SCALE

The triangular architect's scale is used to scale plans drawn to English measurement. The ten choices of scale shown on it follow:

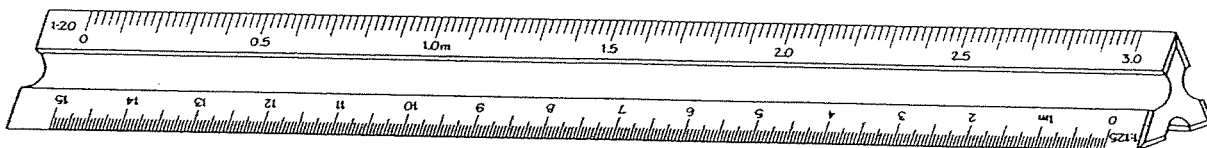
- $3/32'' = 1'-0''$
- $1/8'' = 1'-0''$
- $3/16'' = 1'-0''$
- $1/4'' = 1'-0''$
- $3/8'' = 1'-0''$
- $1/2'' = 1'-0''$
- $3/4'' = 1'-0''$
- $1'' = 1'-0''$
- $1-1/2'' = 1'-0''$
- $3'' = 1'-0''$



ARCHITECT'S SCALES



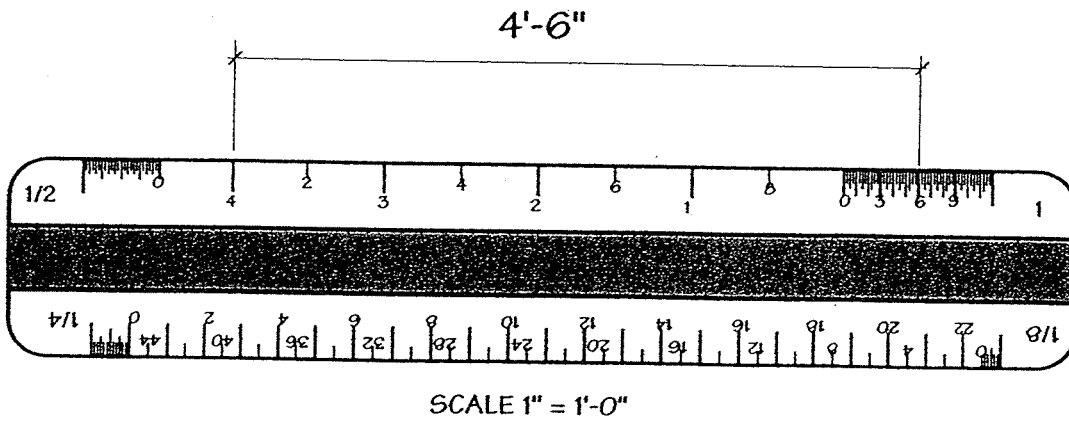
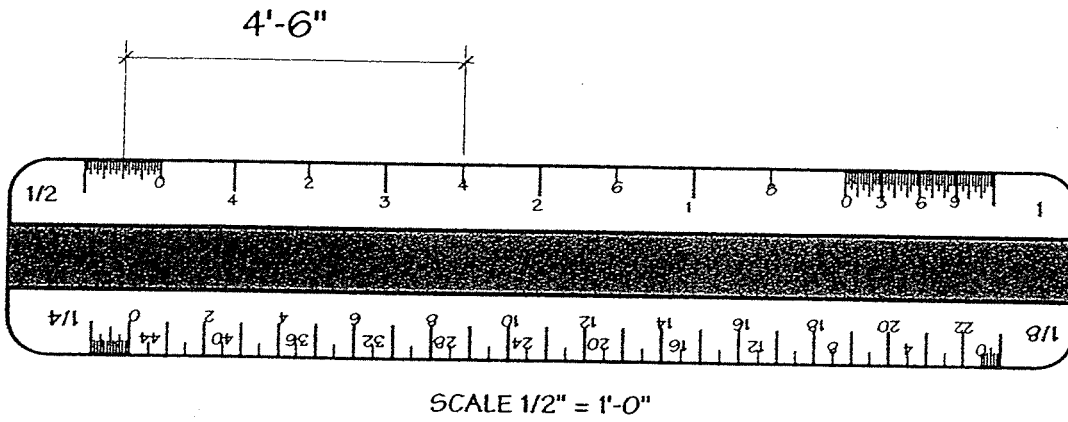
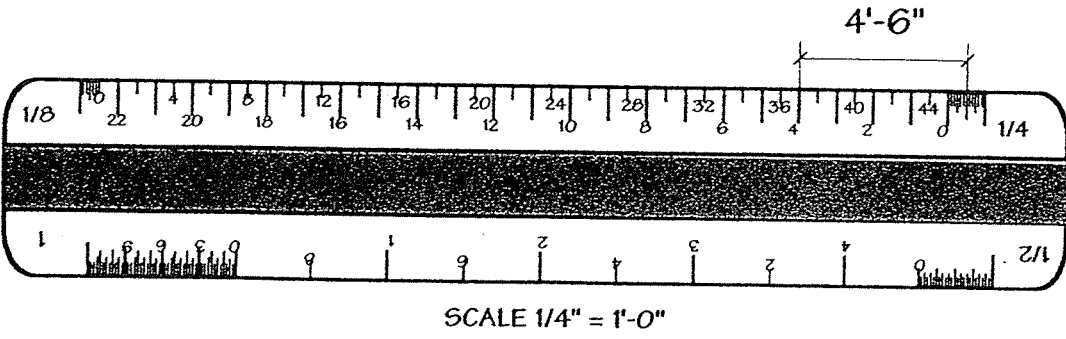
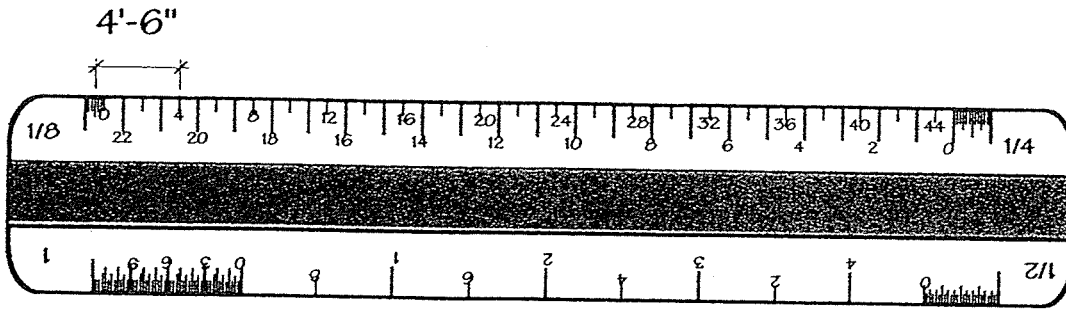
ENGINEER'S SCALE



METRIC SCALE

■ Figure 4-1.

The three types of scale rulers used for drawing linear measurements on construction plans are the architect's scale, engineer's scale, and metric scale. (Drawings here are enlarged slightly for easier reading.)



■ Figure 4-2b.
The 1/8", 1/4", 1/2" and 1" scale on the architect's scale ruler are used here to measure 4'-6".

As an example, on the 1/4" scale, each one-fourth of an inch in the drawing represents 1 foot (1'-0") of the actual building size. This scale is written as 1/4" = 1'-0" and will usually appear directly below the drawing. The 1/8" scale is often used on plot plans that show the size of a full lot. Floor plans and elevations are often drawn to 1/4" scale. Detail drawings are usually proportionately larger and may be drawn to 1/2", 3/4", or 1" scale.

The faces of the architect's scale rule contain scales at the upper and lower edges. Each edge has two scales. One scale begins from zero and reads from the left to right. A second scale that is twice as large begins from zero and reads from right to left. For example, the upper edge of one face shows a 1/8" scale reading from left to right, and a 1/4" scale reading from right to left.

The closer graduations to one side of the zero marks show inches and fractions of an inch. The divisions vary with the scaling size. For example, there is room for only six marks to the left of the zero mark on the 1/8" scale. Therefore, each graduation represents 2 inches. There is room for 48 marks to the right of the zero mark of the 1" scale. Therefore, each graduation represents one-fourth of an inch. (See Figure 4-2a & b). Scale can also be found mathematically. (See Unit 28 for math procedures and exercises.)

ENGINEER'S SCALE

The engineer's scale is used most often for dimension covering a broader area such as site (plot) plans, survey plans, subdivision maps, and landscape plans. The different faces of the engineer's scale show inches divided into decimal parts. The six choices shown on it follow:

$$1'' = 10'$$

$$1'' = 20'$$

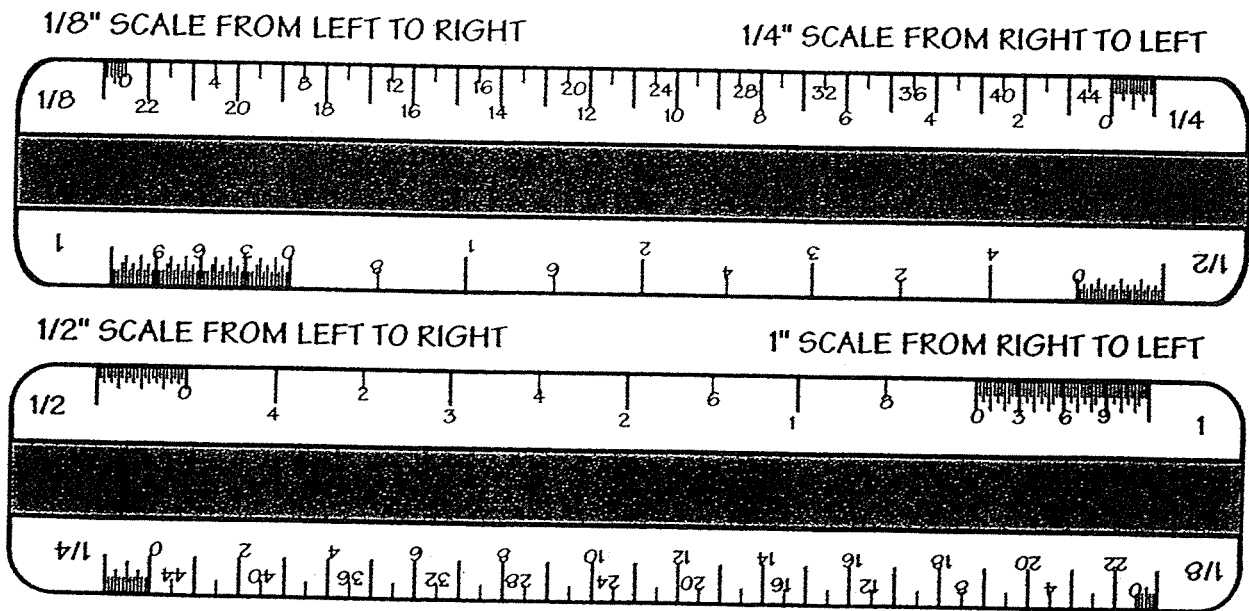
$$1'' = 30'$$

$$1'' = 40'$$

$$1'' = 50'$$

$$1'' = 60'$$

For example, on the 1" = 10' scale, each inch is equal to 10 feet, with each division of the inch representing 1 foot. The 10 feet can also be read as 100 feet, with each division representing 100 feet. As another example, the 1" = 50' scale means that each inch on the rule equals 50 feet, with each division representing 1 foot. The 50 feet can also be read as 500 feet, and each division would then represent 10 feet. (See Figure 4-3.)



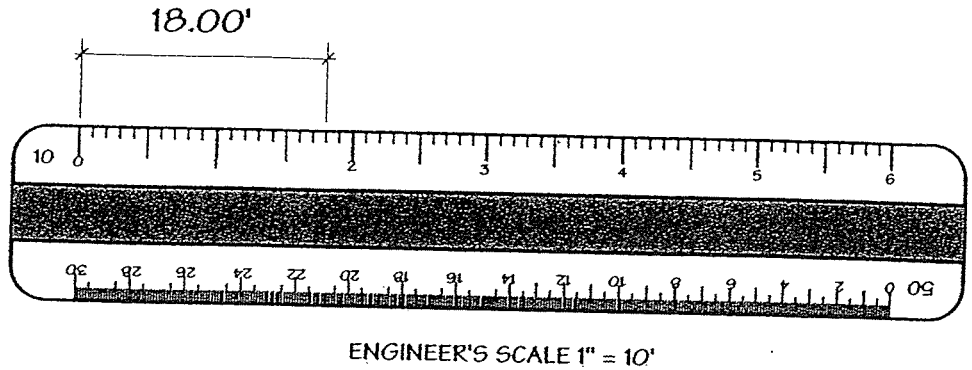
The face of an architect's scale rule contains readings at the two edges. Each edge has two scales. One reads from left to right, and the other reads from right to left.

■ Figure 4-2a.

Measuring with the architect's scale ruler.

■ Figure 4-3.

The 1" = 10' scale on the engineer's scale rule can also be read as 1" = 100', and 1" = 1000'. The measurement shown above is 18.00' when the scale is 1" = 10'.



METRIC SCALE

The metric scale is used when construction plans are drawn with metric linear measurements. Some metric drawings express longer measurements in meters carried out to three decimal places and millimeters for smaller section-view and detail drawings. However, the usual method is to show all linear measurements in millimeters. (A meter contains 1000 millimeters.) Following are some commonly used metric-scale ratios:

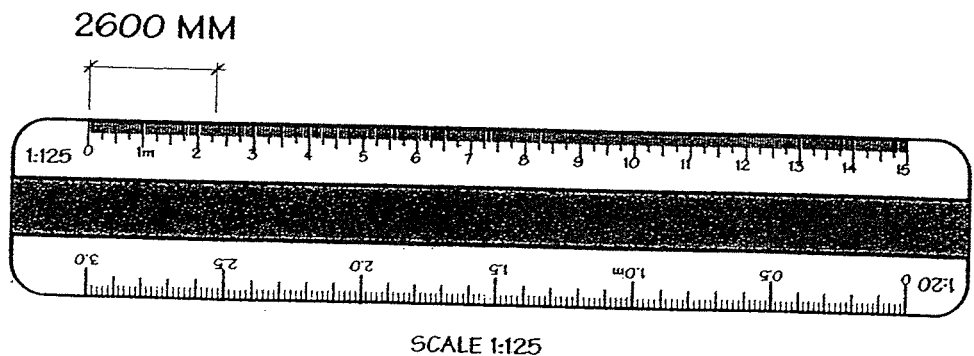
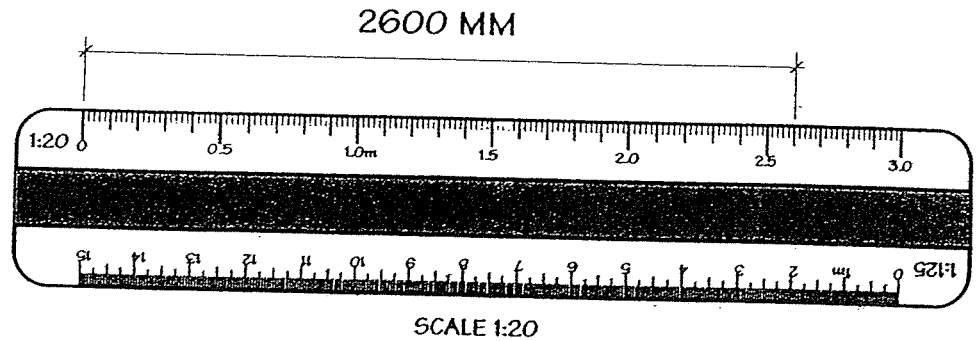
- 1:20
- 1:25

- 1:50
- 1:75
- 1:100
- 1:125

For example, the length of a wall drawn to a 1:20 scale means that 1 millimeter on the drawing is equal to 20 millimeters of the actual size of the wall. The length of a wall drawn to 1:125 scale means that 1 millimeter on the drawing is equal to 125 millimeters of the actual size of the wall; therefore, this scale would be used for drawings covering a much wider area than those using the 1:20 ratio. (See Figure 4-4.)










■ Figure 4-4.

Both of these metric scales are measuring 2600 millimeters. The 1:20 ratio is used for drawing larger details and section views. The 1:125 ratio is used for plans that cover a large area such as site plans, foundation plans, and floor plans. (The 1:125 scale has been enlarged here for easier reading.)

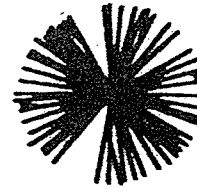


SYMBOLS AND ABBREVIATIONS SURVEY AND SITE PLANS

PLAN VIEW SYMBOLS

WATER MAIN	
SEWER LINE	
GAS LINE	
ELECTRIC CABLE	
PROPERTY LINE	
UTILITY TRENCH	
NATURAL GRADE CONTOUR LINE	
FINISH GRADE CONTOUR LINE	
PROPERTY CORNER	

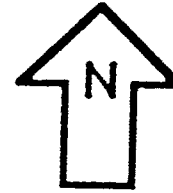
TREE



UTILITY RISER



NORTH ARROW



SECTION VIEW SYMBOLS

ABBREVIATIONS

BM ELEV	Bench Mark Elevation
CATV	Cable Television
E	East
EXIST	Existing
N	North
PL	Property Line
PUE	Public Utility Easement
R	Radius

Survey and Site Plans

Before construction can begin, the exact boundaries (property lines) of the building site (lot) must be established. The topographical features of the property, such as the differences between heights (elevations) and slopes, must also be recorded. This work is normally done by licensed surveyors or civil engineers. They obtain their initial information from a *plat plan* (discussed in this unit) covering the area where the construction will take place. Plat divisions are the result of a national system of rectangular township grids developed over many years by the federal government.

The plat plan may also provide information about **utility easements** that allow for the passage of utility services through a property. Such services include sewer lines, gas lines, water pipes, and electrical lines. Another type of easement pertains to the right of passage over a particular property. From all this information a survey plan and/or site plan can be developed and included with a set of working drawings.

A section of a township grid.

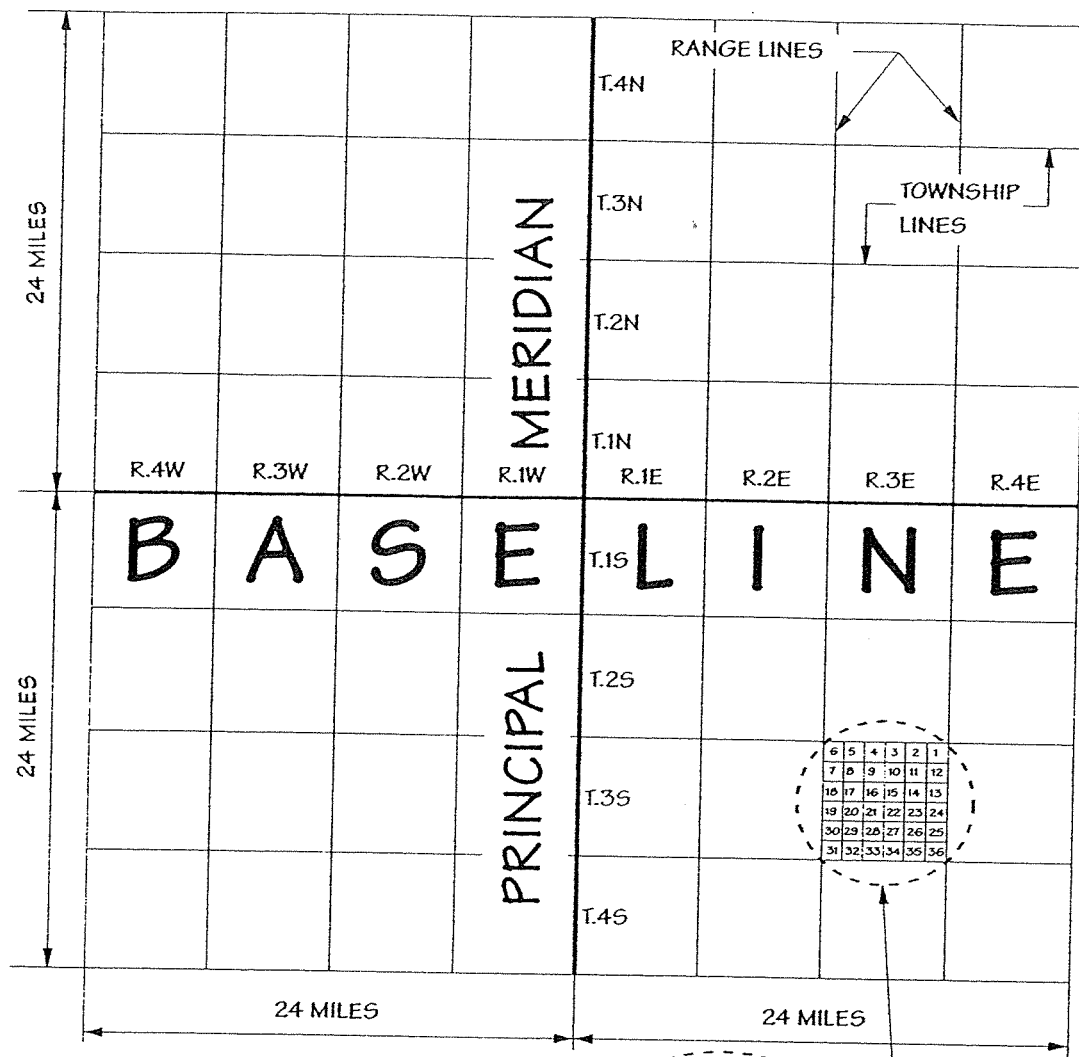
TOWNSHIP GRIDS AND SECTIONS

The township grids are based on north-to-south *meridian lines* and east-to-west *base lines* running at 24-mile intervals. Each 24-mile square is divided into 16 townships bordered by *township lines* running east to west, and *range lines* running north to south. Each township is divided into 36 sections that are each one mile square. A township section is further divided into smaller areas later identified by plat plans. (See Figure 6-1).

READING THE PLAT PLAN

Plat plans, also called **subdivision maps**, define the borders of land divisions in a given geographical area. (The term *plat plan* should not be confused with *plot plan*.) A plat plan is not part of a set of construction drawings. It is discussed here because the plat plan contains information directly affecting the design and construction of the building. Plat plans are usually available from the city or county recorder's office or other local government agencies. Plat plans are subject to change, so it is important to get information from the very latest plat plan available.

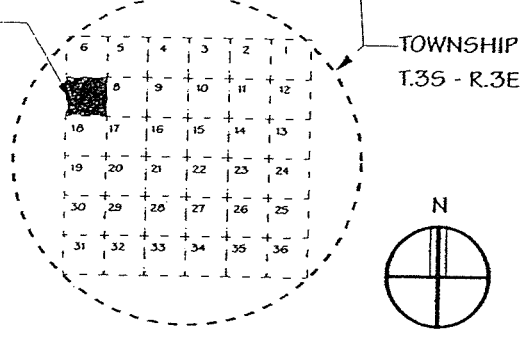
A plat plan shows the street locations within the boundaries of the plan. Each street is identified by its name, and the street width is often included. All the lots bordering the streets in the area are identified by number and are legally recorded. Their dimensions are shown, and reference points are identified from which the property lines can be measured.



-- The township is located three township squares south of the base line and three township squares east of the principal meridian.

-- It's position is identified as T3S (Township 3 South) and R3E (Range 3 East)

-- In this example the surveyor is identifying Section 7 that can be further divided into plat plans.



■ Figure 6-1. Township grids are the basis of a national system of land surveys. The above example shows how to identify the steps from township grid to township, and then from township to section.

7. End-of-arc point. This short line establishes the end of the arc at the southeast side of the cul-de-sac semicircle.
8. Street centerline (CL). Dimensions are given in both directions from the centerline. The front property line of Lot #120 is found by measuring 26'-0" from the street centerline. The straight property line sections of Lots #119, #121, and #127 are

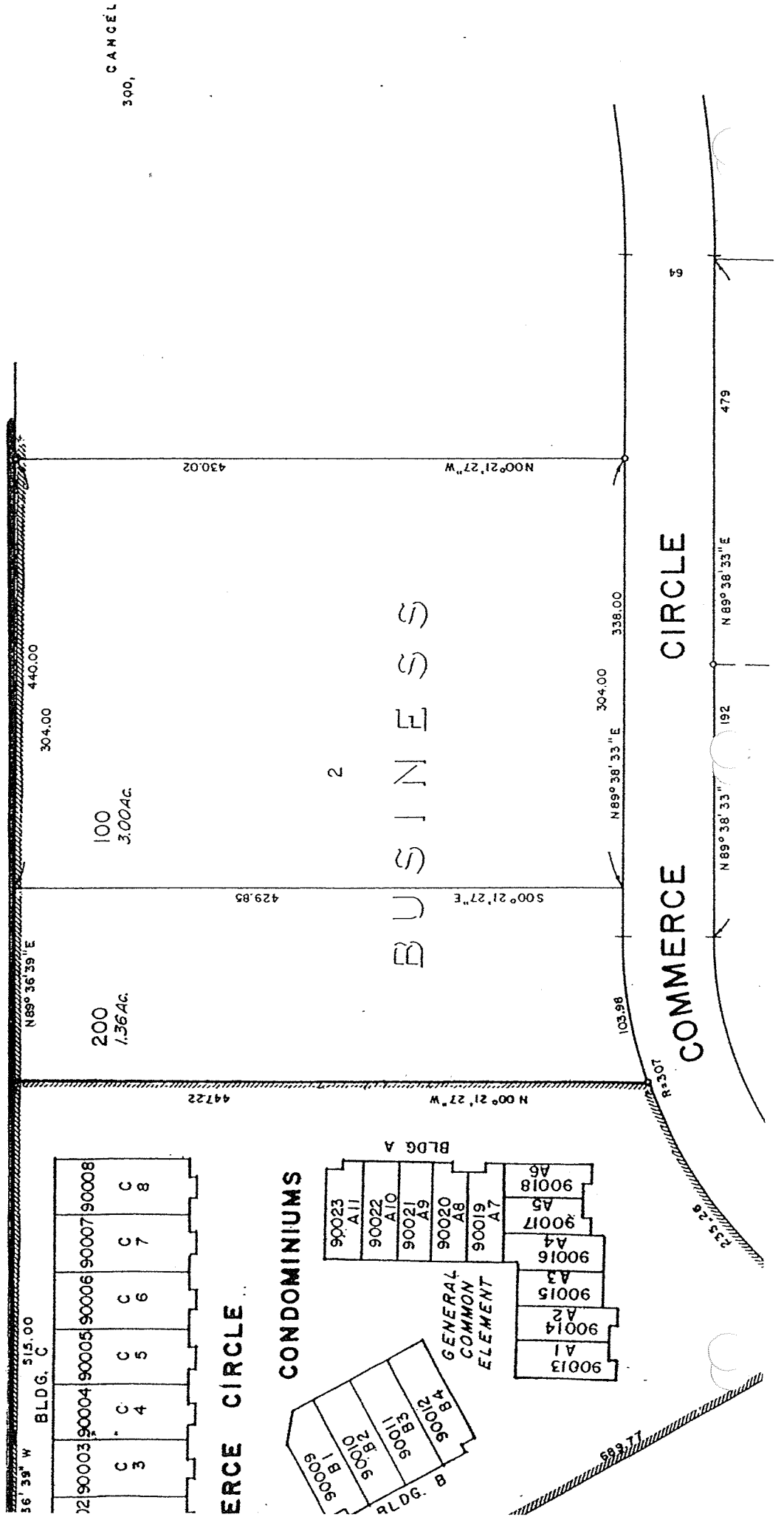
- also measured from this street centerline.
9. Street name. All streets adjoining the lots are named in the plat plan.
10. Street center monument. This is a permanent aluminum-capped monument embedded in the surface of the street. It identifies the center of Steves Boulevard in the area of the cul-de-sac.
11. End-of-arc point. This short line establishes the end

NE 1/4 SW 1/4 SECTION 2 T3S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 100'

SEE MAP
3S | 2B



Web Page Resources

City of Wilsonville Web Pages:

Home	http://www.ci.wilsonville.or.us
Planning	https://www.ci.wilsonville.or.us/planning
Planning Commission	http://www.ci.wilsonville.or.us/planningcommission
Development Review Board	http://www.ci.wilsonville.or.us/drb
Documents and Maps	https://www.ci.wilsonville.or.us/comm-dev/page/documents-reports-master-plans-and-maps
City Code	https://www.ci.wilsonville.or.us/administration/page/city-charter-and-code
Wilsonville Maps	https://wilsonville.maps.arcgis.com/home/index.html
SMART Transit	http://www.ridesmart.com
Wilsonville Library	http://www.wilsonvillelibrary.org

State of Oregon

Home	http://www.oregon.gov
ODOT	http://www.oregon.gov/ODOT
DLCD	http://www.oregon.gov/lcd/pages/index.aspx
Oregon Revised Statutes (ORS)	https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx
OR Administrative Rules (OAR)	https://sos.oregon.gov/archives/pages/oregon_administrative_rules.aspx
Oregon Government Ethics Law:	https://www.co.marion.or.us/HR/VOL/Documents/2010%20Guide%20for%20Public%20Officials.pdf

Metro Home page: <http://www.metro-region.org>

Clackamas County: <https://www.clackamas.us/>

Washington County <http://www.co.washington.or.us>

Wilsonville Chamber of Commerce: <http://www.wilsonvillechamber.com/>

Link to Adopted City Master Plans, Development Code and City's Comprehensive Plan

<https://www.ci.wilsonville.or.us/comm-dev/page/documents-reports-master-plans-and-maps>

Links to Additional Training Materials:

Now that You're on the Board:

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/boards_and_commissions/page/6511/book_-_now_that_youre_on_board.pdf

Introductory Guide to Land Use Planning in Oregon:

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/boards_and_commissions/page/6511/introductory_guide_to_land_use_planning_in_oregon.pdf

Oregon Planning Commissioner Handbook:

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/boards_and_commissions/page/6511/or_planning_commissioner_handbook_april_2015.pdf