RESOLUTION No.

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

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

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

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

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

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

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

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

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

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

WHEREAS, cities like Dayton, Ohio and Syracuse, New York have adopted model policies about outside work, and many jurisdictions require disclosure of outside work; and
WHEREAS, cities nationwide are acting to strengthen and clarify their outside work policies in light of conversation and debate about conflicts between the duties of public officials and their outside business enterprises at the federal, state, and local levels; and

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

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

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

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

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

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

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

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

Mary Hull Caballero
Auditor of the City of Portland

By
Deputy
IMPACT STATEMENT

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

Contact name: Sonia Schmanski, Office of Commissioner Nick Fish
Contact phone: 503-823-3592
Presenter name: Tracy Reeve, City Attorney; Tom Rinehart, Chief Administrative Officer

Purpose of proposed legislation and background information:
The Resolution directs the City Attorney and Chief Administrative Officer to clarify the City’s policy regarding outside work, or moonlighting, by City employees. It further directs that they develop training materials and a disclosure form to ensure understanding of and compliance with the policy.

Financial and budgetary impacts:
There are no financial or budgetary impacts.

Community impacts and community involvement:
This is an update to a City Human Resources policy which affects only City employees.

100% Renewable Goal:
N/A

Budgetary Impact Worksheet

Does this action change appropriations?
☐ YES: Please complete the information below.
☐ NO: Skip this section

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