

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
April 9, 2001
6:30 p.m.**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE

Led by Bill Lundquist of the Curry Coastal Pilot

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns, Lorraine Kuhn, and Rick Dentino, a quorum present.

Council Absent: none

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, Fire Chief William Sharp, Finance Director Randy Reed, Public Works Supervisor Dennis Barlow, and Administrative Secretary Sharon Ridens

Media Present: Bill Lundquist, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Planning Commission Chair Richard Gyuro and Members Ted Freeman, Jr., Randy Gorman; Parks and Recreation Commission Members-Craig, Nina, Russ, Dori, Lorraine; Budget Comm-Harold Thiesen, Stanley Baron, ODOT District 7 Asst. Director Lee Sparks, Port of Brookings-Harbor Commissioner Ken Byrtus, and approximately 10 other citizens, including 2000 Volunteer of the Year Pete Smart

Mayor Hagbom welcomed all in attendance and promptly turned the meeting over to City Attorney John Trew for the ethics review as required by City Ordinance 00-O-535.

IV. ETHICS REVIEW

A. *City Attorney*

1. Ethics Guide for Public Officials Review

John Trew welcomed the additional commissioners and committee members present for the Ethics Guide for Public Officials Review. Trew passed out a small packet of information (copy provided in these minutes) and made general comments on the city procedures and ORS procedures, with admission of everyone knowing the general acceptance of ethics and general code of conduct. He noted the ethics guide deals with financial disclosure, uses of office for personal and financial gain, and conflicts of interests. The code of ethics for public officials does not cover campaigns and finances of same, nor criminal activity, nor any type of harassment, and does not remove your right to express your view point.

Trew concluded with encouraging Councilors and Commissioners to contact him the minute they feel there is a conflict, so as to provide adequate time for review of the situation.

Mayor Hagbom thanked Trew and took the opportunity to remind Council of the deadline of April 16 for the State Ethics forms to be returned to Salem. There were no further questions

Mayor Hagbom asked City Manager Blodgett to continue temporarily with the meeting. Blodgett did so.

V. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. *Announcements*

1. *"Kudos" letter from citizen regarding water/sewer problem*

City Manager Blodgett read a letter from citizen Richard Morneau, which thanked the City and applauded city employees Mark Haglund and Mike Batty who responded to his sewer emergency on a rainy Sunday night. Both Haglund and Batty were home asleep, but came to work on Morneau's problem with positive attitudes and prepared with knowledge and experience to handle the issue at hand. Blodgett concurred with Morneau's kudos to Batty and Haglund and thanked them, as well as other city employees who go above and beyond the call of duty, on behalf of the Mayor and Council.

B. Proclamation

1. Emergency Preparedness Month

Marti Arrell came forward to receive the Mayor's proclamation of emergency Preparedness Month for the month of April. Blodgett on behalf of the Mayor Hagbom encouraged all of our citizens in Brookings to prepare themselves to the level of their comfort, ability, and protection, for periods of time, when an individual, local, national, or global emergency might occur.

Mayor Hagbom returned as presiding officer of the meeting and thanked Mr. Morneau for his recognition to staff and Marti Arrell for her work in the emergency preparedness issues.

2. Spring Clean up Month - April 16 through May 5, 2001

Mayor Hagbom declared the last two weeks of April and first week of May as Spring Clean-Up Month. He continued by asking all citizens to pitch-in and join the Brookings-Harbor Clean-Up Program sponsored by Curry Transfer & Recycling, Curry Coastal Pilot, KURY Radio, Fred Meyers, Mory's and the City of Brookings and show pride in our community. Hagbom expressed to Pete Smart, Mgr. of CTR, what a pleasure it was to present the proclamation to Curry Transfer & Recycling.

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

Executive Director Les Cohen of 324 So. Hazel, Brookings provided a short report to Council, advising he would be leaving tomorrow to meet with the legislative leaders along with other chamber executives throughout the state to address some of the bills before the Legislature and to remind them Brookings is still within the Oregon boundaries. The Chamber is in the midst of their board elections, which will be effective July 1, 2001. Cohen complimented the City and the Chamber Board for its concentrated efforts and full intent of finding an appropriate site for the downtown area tourist information location.

2. Businesses for a Better Brookings

There was no report.

3. Port of Brookings-Harbor

Port Commissioner Ken Byrtus advised Council "Option 1" for the salmon season is going to flow right through. He also advised the Port is

preparing to do ground breaking on commercial building and asked for the Council's patience for a broader report next month. Byrtus concluded by stating he was looking forward to a good long fishing season for this next year. Mayor Hagbom asked Byrtus to explain "Option 1," and he did so.

4. *Council Liaisons*

Mayor Hagbom asked Interim Police Chief Sgt. Chris Wallace to introduced Detective John Bishop to advise Council on the status of the recent double homicide. Bishop stated the crime seen is being processed by the OSP and crime lab officials from Roseburg, Medford, Coos Bay, with local law enforcement assisting. He noted the subject in question is wanted for questioning and a vehicle that was taken from residence is being searched for. More definite information will probably not be available until tomorrow and will be provided by a press conference.

Councilor Dentino stated he had attended an American Music Festival Board Meeting, Port of Brookings-Harbor meeting, and a City's 50th Birthday Celebration Committee meeting, with the last two being on the same night.

Councilor Kuhn attended the H.O.P.E. meeting and advised the 50th Birthday Celebration Committee met on the 21st of March and their plans are coming together so well, that they hope to be concluded by June 1, 2001 - with a publication of all the planned events.

Councilor Johns will be attending the 17C School District Review of Site Committee on Wednesday of this week, and the Pelican Bay Prison Advisory Council next week in Crescent City.

Council President Curry handed out OCZMA dues for FY2001-02 request (copy included with these minutes) and asked Council to consider the request for another year, noting additional budget time and expenses for not only the Council liaison, but the City. Curry also provided the CPACT structure and operating principles (copy included with these minutes), which followed with minimal discussion. Curry stated undoubtedly CPACT will ask him to work on this sub-committee and asked for Council's input, due to the added expense to the City. Councilor Curry expressed he didn't mind the work, but being a member of the sub-committee will require additional traveling and thus the City's travel expenses will increase. With asking all department city employees to curtail their expenditures and planning for the upcoming budget, Curry

stated he felt the Council needed to make the same efforts. Discussion ensued with a consensus of the Council that Councilor Curry continue with his membership and participation on the sub-committee and City Manager Blodgett confirming that these annual dues have been included in the budget to be presented to the Budget Committee for approval. Discussion ensued regarding funds provided from CPACT, widening of Hwy 199, and that Oregon leads the entire nation for national scenic byways.

Chamber Executive Director Les Cohen reported Cal-Trans is working on the widening (some relief) Hwy 199, right now, with 4 or 5 - 30 min delays all summer, which in the short term is a problem, but in the long run will be benefit all. City Manager Blodgett added the difficulty in repairs to a road (Hwy 199), which winds through different "regions" - ours being CCD (Coos Curry Douglas) and also through different states (Oregon, California, back into Oregon). There was further discussion about ODOT and its various sub-departments and the importance of attending meetings involving main department committees, but less importance for sub-committees, which might be able to be handled by telephone conferences or faxes.

B. Unscheduled

Citizen Eldon Gossett of 1012 Easy Street, Brookings, commented positively on ODOT's performance and care taking of US Hwy 101 North. His kudos continued regarding Curry Transfer and Recycling General Manager Pete Smart, who has provided outstanding programs for the community each and every year, and for our City's Police Department. Gossett stated our excellent Police Department comes at a price, that's why we all pay taxes - we have the best! With that enthusiasm, Mayor and Council applauded Gossett and the underwriting of all categories of which he spoke! Hagbom reminded the audience ODOT Assistant District-7 Manager Lee Sparks, present in the audience, has been very instrumental with aiding us in getting the cross walk on Chetco Avenue by the theater, poles for lights on the bridge in the making, Golf Course signage, median dividers at the intersection of Chetco Bridge and Lower Harbor Road, etc. Sparks was thanked by all.

Citizen Rex Atwell of Box 6364 Brookings, stated he appreciated the City Manager taking the time to see him whenever he dropped by the City offices and continued by asking on the status of the purchase of a new fire truck. Discussion ensued with confirmation from City Manager Blodgett of approximately \$200,000 set aside for the truck purchase, however ISO ratings required the vehicle to be housed which would need to be addressed first. The staff is working on this issue through the budget and research possibilities.

VII. STAFF REPORTS

A. Finance Department

1. Approval of auditing proposal

City Manager Blodgett presented the background for the two auditor proposals along with the differences in the firms and their proposal. Blodgett and staff recommended Wall & Wall. Discussion ensued between Council and City Manager.

Councilor Dentino moved, Councilor Johns seconded, and the Council voted unanimously to authorize staff to enter into an agreement with Wall and Wall to provide annual audit services for the City for a three year period.

B. City Manager

1. Chamber of Commerce Special Requests for Azalea Festival

a. Request to sell alcohol on City property-Azalea Park for Chamber Mixer

City Manager Blodgett briefly reviewed the Chamber of Commerce's application to possess and consume alcoholic beverages on City of Brookings public property during the Azalea Festival at their after hours business mixer to be held May 25, 2001 from 5:00 p.m. to 8:00 p.m. at Azalea Park. Blodgett stated staff recommended approval.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to approve the Chamber of Commerce's application to possess and consume alcoholic beverages on City property known as Azalea Park on May 25, 2001 for specific purposes of a Chamber After Hours Mixer.

b. Other "in-house" requests

Blodgett continued by reviewing the special requests from the Chamber, including road closures, waiving of sidewalk bands, waiving of business licenses, waiver of fee of Azalea Park garden area use, declaring no parking on Chetco Avenue for parade purposes, use of parking area south of city hall, and use of private right-of-way near fountain. Staff recommend approval.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to approve the requests outlined in

the Chamber of Commerce's March 19, 2001, letter regarding waivers of fees, licenses, parking, and private right-of-ways during the Azalea Festival weekend from May 25 through 28, 2001.

2. *Downtown visitor center*

City Manager Blodgett concurred with Cohen on the progress of a downtown area tourist information location and reported ODOT's Lee Sparks is assisting with that project.

3. *Vacation rentals*

City Manager Blodgett presented the staff report from City Planner John Bischoff, along with conversation and correspondence regarding a complaint of a Buena Vista Loop single family home being used as a vacation rental. Blodgett stated he could see legitimacy to the complaint and had contacted other communities for options in handling the matter. A lengthy discussion ensued with Blodgett and staff recommending research into the issue, which included research into the possibility of an ordinance addressing vacation rentals and enforcement of same.

Citizen Barbara Nysted of 427 Buena Vista Loop, Brookings brought a petition signed by 13 of 22 of her immediate residences on Buena Vista Loop - a petition against vacation rentals. Discussion ensued with Mayor Hagbom advising Council could not form an ordinance for one specific city block and expressed an understanding with the difficulty for her in tolerating this issue. Discussion continued regarding City Planner John Bischoff's memo to Council with City Attorney John Trew responding that the City cannot prohibit someone from doing what they want with their own private property, especially with Measure 7 - "takings law", of which Nysted did not understand the correlation nor the significance of Measure 7 and the complicated issues surrounding it, as presented by Trew. Discussions of fees, questions, and examples of situations continued with Council and staff to Nysted, with staff recommending the Council direct staff to research the idea of a vacation rentals ordinance.

Michael Thornton, 1119 Rolland Lane, Brookings, commented on the importance of police being called when Nysted had problems with renters abusing or violating laws.

Steve Zerkel owner of vacation property at 431 Buena Vista Loop, Brookings, commented on information presented by Nysted and asked Council to consider two sides to the issue. Discussion ensued.

Councilor Johns moved, Councilor Dentino seconded, and the Council voted unanimously to direct staff and City Attorney Trew to investigate the feasibility of creating an ordinance to regulate vacation rentals within the city.

3. *Other*

Blodgett concluded with the recent press release on \$100,000.00 anonymously donated for the skate park being planned for Bud Cross Park; the scheduling of interviews for a new Police Chief with results to Council by next meeting; an update on Community Development Director Leo Lightle; the Budget being distributed by Friday; a reminder of the Budget Committee meeting on April 18th; the very positive comments regarding the new web site, with Sharon, Linda, and Randy deserving a lot of the credit; and finally Blodgett asked Council to consider removing Businesses for a Better Brookings as a standard line item on the agenda, since there have been no reports for some time.

Council by consensus agreed to delete Businesses for a Better Brookings for the standard agenda form.

C. *Community Development Department*

1. *Approval for I & I engineering by City Engineer*

Public Works Supervisor Denis Barlow presented a request for approval of I & I engineering by the City Engineer and recommended approval.

Mayor Hagbom left the Council Chambers and asked Council President Curry to continue on his behalf. Councilor Kuhn began making a motion regarding the I & I engineering, but Curry asked Councilor Kuhn and audience to patiently wait for the Mayor's return.

Parks and Recreation Commission Chair Russ Fritz took the opportunity to express his thanks for the anonymous gifts recently received and reminded Council and audience of the upcoming Skate Park Committee meeting on April 19th, along with the Parks and Recreation Commission meeting on the 26th of April - both open to public.

Mayor Hagbom returned to the Council Chambers, and Council President Curry advised Hagbom of motion on the floor.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to authorize the Community Development Department to contact HGE, Inc. to arrange for engineering for the I & I project and then to go out to bids for the construction of the repairs.

2. *Authorization for bids on continuation of Oak Street Project*
City Manager Blodgett conferred with Barlow and they presented the staff report for the bidding process and request for continuation of the Oak Street Project.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to authorize staff to begin the bidding process for continuation of the Oak Street Project.

Mayor Hagbom and Council complimented Public Works Supervisor Dennis Barlow on the I & I work done by Barlow and his department. Barlow indicated a video would be made of the project for Council's review.

VIII. CONSENT CALENDAR

- A. *Approval of Council Meeting Minutes*
 1. *Minutes of March 26, 2001, Regular Council Meeting*
 - B. *Acceptance of Parks and Recreation Commission Minutes*
 1. *Minutes of February 22, 2001, Regular Commission Meeting*
 - C. *Acceptance of Planning Commission Minutes*
 1. *Minutes of March 6, 2001, Regular Commission Meeting*
 - D. *Approval of Vouchers (\$213,528.18)*
- (end Consent Calendar)*

Councilor Johns moved, Councilor Kuhn seconded, with Councilor Dentino abstaining due to his previous meeting absence, and the remainder of the Council voted unanimously to approve the consent calendar with a correction on page one of the March 26, 2001, regular Council meeting minutes, changing the first motion to read: "Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to re-appoint Richard Gyuro and Vikki Nuss to Positions No. 4 and 6, respectively, to the Planning Commission."

IX. REMARKS FROM MAYOR AND COUNCILORS

City Manager Blodgett asked Council members to consider committing attendance to the League of Oregon Cities Annual Conference in Eugene, Oregon, held during the weekend of November 9 through 11, 2001, and to advise their lodging preferences.

- A. *Council*
There were no further remarks


B. Mayor

Mayor Hagbom discussed HB2246 and his meeting with the state representatives during his and Blodgett's recent visit to Salem, noting everywhere they went there were discussions of Measure 7. There being no further discussion, the Mayor asked for a motion to adjourn.

X. ADJOURNMENT

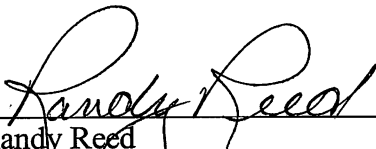
Councilor Curry moved, Councilor Kuhn seconded, and the Council voted unanimously to adjourn the meeting at 9:02 P.M..

Respectfully submitted:



Bob Hagbom
Mayor

ATTEST:



Randy Reed
Finance Director/City Recorder

JOHN B. TREW
CAROL P. CYPHERS
JOHN MEYNINK

TREW, CYPHERS & MEYNINK

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ESTABLISHED BY
A. J. SHERWOOD
IN 1886
HARRY A. SLACK, SR.
(1900-1988)
HARRY A. SLACK, JR.
(RETIRED 1991)

*Handed out
4/9/01
Council
Mley*

MEMORANDUM

TO: Mayor
City Council
City Manger
Planning Commission

FROM: John B. Trew
City Attorney

DATE: April 9, 2001

RE: Government Ethics

COPY

I am providing each of you copies of several sections of Chapter 244 of the Oregon Revised Statutes dealing with Government Standards of Practices. I encourage each of you to review the ORS and the Guide for Public Officials published by the Oregon Government Standards and Practices Commission. The Guide continues to be a very valuable source of information.

1. Caution is always the best approach. To protect yourself from a potential violation of the law, it is always best to refrain from doubtful activities.
2. ORS 244.020 contains the definitions of "actual conflict of interest" and "potential conflict of interest". An actual conflict of interest is any action or decision that "would" be to the private pecuniary benefit of the public official, a relative or a business with which the official is associated. A potential conflict of interest is any action or decision that "could" be to the private pecuniary benefit of the official, a relative or the official's business.
3. ORS 244.120 describes the rules for public officials who have actual or potential conflicts of interest. The official must identify and publicly disclose the nature of the conflict, and, in the case of actual conflicts, refrain from participating in the discussion and the vote.
4. ORS 244.040 contains the Code of Ethics for public officials and must always be carefully considered. "No public official shall use or attempt to use official position or office to obtain financial gain . . .". The Code of Ethics uses the "but for" test

to help determine the proper course of action. These rules apply regardless of whether there is an actual or potential conflict.

5. ORS 244.050 sets forth a list of public officials who must file a statement of economic interest. Section 7 of ORS 244.050 authorizes a civil penalty for each day the statement of economic interest is late.

6. ORS 244.060 requires a public official to list any honoraria exceeding \$50 on the statement of economic interest. ORS 244.060(7).

7. ORS 244.130 requires the public body to record in its records the actual or potential conflict of interest disclosed by the public official, and how it was handled.

8. ORS 244.135 sets forth specific rules as to planning commission conflicts of interest. The planning commission is subject to the government ethics provisions of ORS Chapter 244.

Every ethics question is fact specific, making generalizations can be dangerous. Many times answers are not easy and may be unclear even after careful consideration. It is important to recognize the potential problem as soon as possible.

Do not hesitate to contact me with any questions. Working together we can devise the best possible way to deal with any concerns.

Chapter 244

1999 EDITION

Government Standards and Practices

GENERAL PROVISIONS

- 244.010 Policy
- 244.020 Definitions
- 244.030 Application
- 244.040 Code of ethics; prohibited actions; honoraria
- 244.045 Regulation of subsequent employment of public officials

REPORTING

- 244.050 Persons required to file statement of economic interest; filing deadline; civil penalty
- 244.055 Additional reporting requirements for State Treasury; confidentiality; effect of failure to comply with requirements
- 244.060 Form of statement of economic interest
- 244.070 When additional statement of economic interest required
- 244.080 Filing of different form allowed by rule
- 244.090 Report on association with compensated lobbyist
- 244.100 Disclosure of gifts or other compensation; exemptions from gift limitation
- 244.110 Required statements subject to penalty for false swearing
- 244.115 Filing required for member of Congress or candidate; filing date

METHOD OF HANDLING ACTUAL OR POTENTIAL CONFLICTS

- 244.120 Methods of handling conflicts; generally; application to elected officials or members of boards
- 244.130 Recording of notice of conflict; effect of failure to disclose conflict
- 244.135 Method of handling conflicts by planning commission members

APPLICATION OF REPORTING REQUIREMENTS TO LOCAL GOVERNMENTS

- 244.160 Application to political subdivisions except cities and counties
- 244.170 "Statement of economic interest" defined
- 244.180 When city officials required to file statement
- 244.190 When county officials required to file statement
- 244.195 Certain city and county officers to be informed of reporting requirements; effect of failure to inform
- 244.201 Election procedure for city or county

COMMISSION

- 244.250 Oregon Government Standards and Practices Commission; appointment; term; quorum; compensation; legal counsel
- 244.260 Confidential Preliminary Review Phase; Investigatory Phase; notice; findings; contested case or court proceedings
- 244.270 Findings as grounds for removal
- 244.280 Opinions; liability of person following interpretation
- 244.290 General duties of commission; rules
- 244.300 Status of records
- 244.310 Executive director; duties
- 244.320 Manual on government ethics; revision
- 244.330 Distribution of ethics manual to public officials; assistance of professional associations
- 244.340 Continuing education program required

ENFORCEMENT

- 244.350 Civil penalties
- 244.360 Forfeiture of twice financial benefit
- 244.370 Procedure for collecting penalties
- 244.380 Sanctions against noncomplying officials or candidates
- 244.390 Status of penalties and sanctions
- 244.400 Attorney fees for public official prevailing in enforcement action or lawsuit

CROSS-REFERENCES

- Executive meetings, alleged violation of open meetings law, enforcement by Oregon Government Standards and Practices Commission, 192.685
- Higher education, conflict of interest, State Board of Higher Education rules, 351.067
- Lobbyist, regulation, 171.725 to 171.785
- Oregon Health Sciences University, applicability of provisions of chapter to, 353.100
- Oregon State Boxing and Wrestling Commission, prohibited financial interests, 463.145
- State Geologist, conflict of interest, 516.130
- 244.040
- Political contributions prohibited during legislative session, 260.174
- Public Utility Commissioners, prohibited pecuniary interests, 756.026
- 244.180
- City organization, Ch. 221
- City planning officials, Ch. 227
- 244.190
- County governing bodies, Ch. 203
- County planning officials, Ch. 215

Note: The name of the Department of Human Resources has been changed to the Department of Human Services and the title of the Director of Human Resources to the Director of Human Services. The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the department and the director in this chapter use the name and the title that become operative on July 1, 2000.

GENERAL PROVISIONS

244.010 Policy. (1) The Legislative Assembly hereby declares that a public office is a public trust, and that as one safeguard for that trust, the people require all public officials to adhere to the code of ethics set forth in ORS 244.040.

(2) The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation.

(3) Nothing in this chapter is intended to affect:

(a) Any other statute requiring disclosure of economic interest by any public official or public employee.

(b) Any statute prohibiting or authorizing specific conduct on the part of any public official or public employee. [1974 c.72 §§1,1a; 1987 c.566 §7]

244.020 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (7) of this section.

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative capacity.

(3) "Business with which the person is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(4) "Commission" means the Oregon Government Standards and Practices Commission.

(5) "Development commission" means any entity which has the authority to purchase, develop, improve or lease land or the authority to operate or direct the use of land. This authority must be more than ministerial.

(6) "Expenditure" has the meaning given that term in ORS 260.005.

(7) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. The commission may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

(8) "Gift" means something of economic value given to a public official or the public official's relative 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 the relatives of public officials on the same terms and conditions; and something of economic value given to a public official or the public official's relative for valuable consideration less than that re-

quired from others who are not public officials. However, "gift" does not mean:

(a) Campaign contributions, as described in ORS chapter 260.

(b) Gifts from family members.

(c) The giving or receiving of food, lodging and travel when participating in an event which bears a relationship to the public official's office and when appearing in an official capacity, subject to the reporting requirement of ORS 244.060 (6).

(d) The giving or receiving of food or beverage if the food or beverage is consumed by the public official or the public official's relatives in the presence of the purchaser or provider thereof.

(e) The giving or receiving of entertainment if the entertainment is experienced by the public official or the public official's relatives in the presence of the purchaser or provider thereof and the value of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250 in any one calendar year.

(9) "Honoraria" 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 at which the public official appears in an official capacity.

(10) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

(11) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

(12) "Legislative official" means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch and any staff person, assistant or employee thereof.

(13) "Member of household" means any relative who resides with the public official.

(14) "Planning commission" means a county planning commission created under ORS chapter 215 or a city planning commission created under ORS chapter 227.

(15) "Public official" means any person who, when an alleged violation of this chap-

ter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

(16) "Relative" means the spouse of the public official, any children of the public official or of the public official's spouse, and brothers, sisters or parents of the public official or of the public official's spouse.

(17) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

(18) "Zoning commission" means an entity to which is delegated at least some of the discretionary authority of a planning commission or governing body relating to zoning and land use matters. [1974 c.72 §2; 1975 c.543 §1; 1977 c.588 §2; 1979 c.666 §5; 1987 c.566 §8; 1989 c.340 §2; 1991 c.73 §1; 1991 c.770 §5; 1993 c.743 §8; 1995 c.79 §85; 1997 c.249 §75]

244.030 Application. Nothing in this chapter is intended to affect:

(1) Any other statute requiring disclosure of economic interest by any public official or public employee.

(2) Any statute prohibiting or authorizing specific conduct on the part of any public official or public employee. [1974 c.72 §24]

244.040 Code of ethics; prohibited actions; honoraria. The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:

(1)(a) No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated.

(b) No statewide official shall solicit or receive, whether directly or indirectly, honoraria for the statewide official or for any member of the household of the official. No candidate for statewide office shall solicit or receive, whether directly or indirectly,

(6) No person shall attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate. [1974 c.72 §3, 1975 c.543 §2, 1987 c.566 §9, 1989 c.340 §3, 1991 c.146 §1, 1991 c.770 §6, 1991 c.911 §4, 1993 c.743 §9]

244.045 Regulation of subsequent employment of public officials. (1) A person who has been a Public Utility Commissioner, the Director of the Department of Consumer and Business Services, the Administrator of the Division of Finance and Corporate Securities, the Administrator of the Oregon Liquor Control Commission or the Director of the Oregon State Lottery shall not:

(a) Within one year after the public official ceases to hold the position become an employee of or receive any financial gain, other than reimbursement of expenses, from any private employer engaged in the activity, occupation or industry over which the former public official had authority; or

(b) Within two years after the public official ceases to hold the position:

(A) Be a lobbyist for or appear as a representative before the agency over which the person exercised authority as a public official;

(B) Influence or try to influence the actions of the agency; or

(C) Disclose any confidential information gained as a public official.

(2) A person who has been a Deputy Attorney General or an assistant attorney general shall not, within two years after the person ceases to hold the position, lobby or appear before an agency that the person represented while employed by the Department of Justice.

(3) A person who has been the State Treasurer or the Chief Deputy State Treasurer shall not, within one year after ceasing to hold office:

(a) Accept employment from or be retained by any private entity with whom the Investment Council negotiated or to whom either awarded a contract providing for payment by the state of at least \$25,000 in any single year during the term of office of the treasurer;

(b) Accept employment from or be retained by any private entity with whom the Investment Council placed at least \$50,000

honoraria for the candidate or for any member of the household of the candidate.

(c) No legislative official shall solicit or receive, whether directly or indirectly, honoraria in an amount in excess of \$1,500 or in any amount for an appearance within the state or for an appearance during a legislative session, regardless of location, for the legislative official or for any member of the household of the official, except that a legislative official may solicit or receive honoraria for services performed in relation to the private profession or occupation of the legislative official. No candidate for legislative office shall solicit or receive, whether directly or indirectly, honoraria in an amount in excess of \$1,500 or in any amount for the candidate, except that a candidate or for any member of the household of the candidate, may solicit or receive honoraria for services performed in relation to the private profession or occupation of the legislative official.

(d) Any public official not described in paragraph (b) or (c) of this subsection or a member of the public official's household may receive honoraria.

(2) No public official or candidate for office or a relative of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.

(3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(4) No public official shall attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

(5) No person shall offer during any calendar year any gifts with an aggregate value in excess of \$100 to any public official or candidate therefor or a relative of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.

(6) No person shall attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

of investment moneys in any single year during the term of office of the treasurer; or

(c) Be a lobbyist for an investment institution, manager or consultant, or appear before the office of the State Treasurer or Oregon Investment Council as a representative of an investment institution, manager or consultant.

(4) A public official who as part of the official's duties invested public funds shall not within two years after the public official ceases to hold the position:

(a) Be a lobbyist or appear as a representative before the agency, board or commission for which the former public official invested public funds;

(b) Influence or try to influence the agency, board or commission; or

(c) Disclose any confidential information gained as a public official.

(5)(a) A person who has been a member of the Department of State Police, who has held a position with the department with the responsibility for supervising, directing or administering programs relating to gaming by a Native American tribe or the Oregon State Lottery and who has been designated by the Superintendent of State Police by rule shall not, within one year after the member of the Department of State Police ceases to hold the position:

(A) Accept employment from or be retained by or receive any financial gain related to gaming from the Oregon State Lottery or any Native American tribe;

(B) Accept employment from or be retained by or receive any financial gain from any private employer selling or offering to sell gaming products or services;

(C) Influence or try to influence the actions of the Department of State Police; or

(D) Disclose any confidential information gained as a member of the Department of State Police.

(b) This subsection does not apply to:

(A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a Tribal Gaming Commissioner or regulatory agent thereof;

(B) Contracting with the Oregon State Lottery as a lottery game retailer;

(C) Financial gain received from personal gaming activities conducted as a private citizen; or

(D) Subsequent employment in any capacity by the Department of State Police.

(c) As used in this subsection, "Native American tribe" means any recognized Native American tribe or band of tribes au-

thorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land. [1987 c.360 §1; 1993 c.743 §10; 1995 c.79 §86; 1997 c.750 §1]

REPORTING

244.050 Persons required to file statement of economic interest; filing deadline; civil penalty. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Standards and Practices Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except municipal judges in those cities where a majority of the votes cast in the subject city in the 1974 general election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the State System of Higher Education and the President and Vice Presidents, or their administrative equivalents, in each institution under the jurisdiction of the State Board of Higher Education.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) Director of the Oregon State Fair and Exposition Center.

(H) State Fish and Wildlife Director.

(I) State Forester.

(J) State Geologist.

(K) Director of Department of Human Services.

(L) Director of the Department of Consumer and Business Services.

(M) Director of Division of State Lands.

(N) State Librarian.

(O) Administrator of Oregon Liquor Control Commission.

(P) Superintendent of State Police.

(Q) Director of the Public Employees Retirement System.

(R) Director of Department of Revenue.

(S) Director of Transportation.

(T) Public Utility Commissioner.

(U) Director of Veterans' Affairs.

(V) Executive Director of Oregon Government Standards and Practices Commission.

(W) Administrator of the Office of Energy.

(X) Director and each assistant director of the Oregon State Lottery.

(h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

(i) Every elected city or county official except elected officials in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.

(j) Every member of a city or county planning, zoning or development commission except such members in those cities or counties where a majority of votes cast in the subject city or county at any election on the issue of filing statements of economic interest under this chapter was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session).

(k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county except such employees in those cities or counties where a majority of votes cast in the subject city or county in an election on the issue of filing statements of economic interest under this chapter was in opposition.

(L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

(m) Every member of a governing body of a metropolitan service district and the executive officer thereof.

(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

(o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.

(p) Every member of the following state boards and commissions:

(A) Capitol Planning Commission.

(B) Board of Geologic and Mineral Industries.

(C) Oregon Economic and Community Development Commission.

(D) State Board of Education.

(E) Environmental Quality Commission.

(F) Fish and Wildlife Commission of the State of Oregon.

(G) State Board of Forestry.

(H) Oregon Government Standards and Practices Commission.

(I) Oregon Health Council.

(J) State Board of Higher Education.

(K) Oregon Investment Council.

(L) Land Conservation and Development Commission.

(M) Oregon Liquor Control Commission.

(N) Oregon Short Term Fund Board.

(O) State Marine Board.

(P) Mass transit district boards.

(Q) Energy Facility Siting Council.

(R) Board of Commissioners of the Port of Portland.

(S) Employment Relations Board.

(T) Public Employees Retirement Board.

(U) Oregon Racing Commission.

(V) Oregon Transportation Commission.

(W) Wage and Hour Commission.

(X) Water Resources Commission.

(Y) Workers' Compensation Board.

(Z) Housing, Educational and Cultural Facilities Authority.

(AA) Oregon State Lottery Commission.

(BB) Pacific Northwest Electric Power and Conservation Planning Council.

(CC) Columbia River Gorge Commission.

(DD) Oregon Health Sciences University Board of Directors.

(q) The following officers of the State Treasury:

(A) Chief Deputy State Treasurer.

(B) Executive Assistant to the State Treasurer.

(C) Director of the Investment Division.

(2) By April 15 next after the date an appointment takes effect, every appointed

public official on a board or commission listed in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing date for the biennial primary election, each candidate for elective public office described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing date for the general election, each candidate for elective public office described in subsection (1) of this section who was not a candidate in the preceding biennial primary election shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter and from time to time may add to or delete from the list of boards and commissions in subsections (1) to (3) of this section as in the judgment of the Legislative Assembly is consistent with the purposes of this chapter.

(6) Subsections (1) to (5) of this section apply only to persons who are incumbent, elected or appointed officials as of April 15 and to persons who are candidates for office on April 15. Those sections also apply to persons who do not become candidates until 30 days after the filing date for the statewide general election.

(7)(a) Failure to file the statement required by this section subjects a person to a civil penalty that may be imposed as specified in ORS 183.090, but the enforcement of this subsection does not require the Oregon Government Standards and Practices Commission to follow the procedures in ORS 244.260 before finding that a violation of this section has occurred.

(b) Failure to file the required statement in timely fashion shall be prima facie evidence of a violation of this section.

(c) If within five days after the date on which the statement is to be filed under this section the statement has not been received by the commission, the commission shall notify the public official and give the public official not less than 15 days to comply with the requirements of this section. If the public official fails to comply by the date set by the commission, the commission may impose a civil penalty of \$5 for each day the statement is late beyond the date fixed by the commission. The maximum penalty that may be accrued under this section is \$1,000.

(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions that may be imposed under ORS 244.380. [1974 c.72 §§4, 4a; 1975 c.543 §3; 1977 c.588 §3; 1977 c.751 §16; 1979 c.374 §5; 1979 c.666 §6; 1979 c.697 §1; 1979 c.736 §1; 1979 c.829 §9b; 1987 c.373 §26; 1987 c.414 §148; 1987 c.566 §10; 1991 c.73 §2; 1991 c.160 §1; 1991 c.163 §1; 1991 c.470 §13; 1991 c.614 §2; 1993 c.500 §10; 1993 c.743 §11; 1995 c.79 §87; 1995 c.712 §94; 1997 c.652 §16; 1997 c.833 §22; 1999 c.59 §62; 1999 c.291 §28]

244.055 Additional reporting requirements for State Treasury; confidentiality; effect of failure to comply with requirements. (1) In addition to the statement required by ORS 244.050, the State Treasurer and any person listed under ORS 244.050 (1)(q) and this subsection shall file quarterly at a time fixed by the State Treasurer a trading statement listing all stocks, bonds and other types of securities purchased or sold during the preceding quarter:

(a) Directors of the Cash Management Division and the Debt Management Division.

(b) Equities, fixed income, short term fund, real estate, equities real estate and commercial and mortgage real estate investment officers and assistant investment officers.

(c) Fixed income and short term fund investment analysts.

(2) The statement required by subsection (1) of this section shall be filed for review with the State Treasurer, the Attorney General and the Division of Audits of the office of the Secretary of State. The content of the statement is confidential.

(3) If the State Treasurer or the Chief Deputy State Treasurer determines that a conflict of interest exists for an officer or employee, the State Treasurer shall subject the person to appropriate discipline, including dismissal or termination of the contract, or both, pursuant to rule. If the State Treasurer has cause to believe that a violation of this chapter has occurred, the State Treasurer shall file a complaint with the Oregon Government Standards and Practices Commission under ORS 244.260.

(4) If the State Treasurer fails to act on an apparent conflict of interest under subsection (3) of this section or if the statement of the State Treasurer or the Chief Deputy State Treasurer appears to contain a conflict of interest, the Director of the Division of Audits shall report the failure or apparent conflict to the Attorney General, who may file a complaint with the commission.

(5) A person filing the statement required by subsection (1) of this section must verify that the statement is complete and accurate. A person who intentionally fails to file a complete and accurate statement commits a

Class C felony and may also be subject to ORS 162.075. [1993 c.743 §26]

244.060 Form of statement of economic interest. The statement of economic interest filed under ORS 244.050, shall be on a form prescribed by the Oregon Government Standards and Practices Commission, and the person filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The name of all positions as officer of a business and business directorships held by the person or a member of the household of the person during the preceding calendar year.

(2) All names under which the person and members of the household of the person do business.

(3) Sources of income received at any time during the preceding calendar year by the person or a member of the household of the person that produce 10 percent or more of the total annual household income.

(4) The name, principal address and brief description of the source of income from which 50 percent or more of the total annual income of the person and members of the household of the person was received during the preceding calendar year and whether the source existed during the preceding year, and whether the source is derived from an entity that now does business or could reasonably be expected to do business or has legislative or administrative interest in the governmental agency of which the public official is or the candidate if elected would be a member or over which the public official has or the candidate if elected would have authority.

(5)(a) The listing of all real property in which the public official or candidate therefor or a member of the household of the public official or candidate has or has had any personal, beneficial ownership interest during the preceding calendar year, any options to purchase or sell real property, including a land sales contract, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official is or the candidate if elected would be a member or over which the public official has or the candidate if elected would have authority.

(b) This subsection does not require the listing of the principal residence of the public official or candidate.

(6)(a) Notwithstanding ORS 244.020 (8)(c), if a public official has received food, lodging and payment of travel expenses exceeding \$100 when participating in an event which bears a relationship to the public official's

office and when appearing in an official capacity, the name, nature and business address of the organization paying the expenses and the date and amount of that expenditure.

(b) Beginning on July 1, 1992, the dollar amount specified in paragraph (a) of this subsection shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this paragraph shall be rounded to the nearest dollar.

(7) Any honoraria exceeding \$50 received during the preceding calendar year by the person or a member of the household of the person, the payer of the honoraria and the date and time of the event for which the honoraria was received. [1974 c.72 §5; 1975 c.543 §4; 1987 c.566 §11; 1991 c.770 §7; 1993 c.743 §12]

244.070 When additional statement of economic interest required. The following additional economic interest shall be reported for the preceding calendar year only if the source of that interest is derived from an individual or business which has been doing business, does business or could reasonably be expected to do business with or has legislative or administrative interest in the governmental agency of which the public official is or the candidate if elected would be a member or over which the public official has or the candidate if elected would have authority:

(1) Each source of income over \$1,000, other than a source of income disclosed under ORS 244.060, whether or not taxable, received by the public official or candidate therefor or a member of the household of the public official or candidate.

(2) Each person to whom the public official or candidate therefor or a member of the household of the public official or candidate owes or has owed money in excess of \$1,000, the interest rate thereon and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

(3) Each business, principal address, and brief description of its nature, in which the public official or candidate therefor or a member of the household of the public official or candidate has or has had a personal, beneficial interest or investment, including stocks or other securities, in excess of \$1,000, except for individual items involved in a mutual fund or a 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.

(4) Each person for whom the public official or candidate has performed services for a fee in excess of \$1,000 except for any disclosure otherwise prohibited by law or by a professional code of ethics. [1974 c.72 §6; 1975 c.543 §5; 1987 c.566 §12]

244.080 Filing of different form allowed by rule. The Oregon Government Standards and Practices Commission by rule may accept the filing of a form containing less than the information required under ORS 244.060 and 244.070 if the public official certifies thereon that the information contained on the form previously filed is unchanged. If any portion of the information contained in the filing is changed, the public official may certify only as to the changed material. [Subsection (1) enacted as 1974 c.72 §8; subsection (2) enacted as 1975 c.543 §7(1); 1977 c.588 §4; 1987 c.566 §13]

244.090 Report on association with compensated lobbyist. (1) Each public official of this state or candidate required to make a statement of economic interest shall report by name any compensated lobbyist who, during the preceding calendar year, was associated with a business with which the public official or candidate or a member of the household of the public official or candidate was also associated. Holding stock in a publicly traded corporation in which the lobbyist also holds stock is not a relationship for which a statement is required.

(2) As used in this section "lobbyist" has the meaning set forth in ORS 171.725. [1974 c.72 §7; 1975 c.543 §6; 1987 c.566 §14]

244.100 Disclosure of gifts or other compensation; exemptions from gift limitation. (1) The Oregon Government Standards and Practices Commission by rule may require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate for elective office.

(2) The commission by rule may exempt from the gift limitation contained in ORS 244.040, any gift of food or beverage but may require that when gifts of food or beverage exceed a dollar amount fixed by the commission, the source thereof shall be disclosed on a form prescribed by the commission.

(3) In addition to any disclosures or reports required under subsections (1) and (2) of this section, any person or organization that provides a public official with food, lodging or travel expenses exceeding \$50, as described in ORS 244.060 (6), shall notify the public official in writing of the amount of the expense. The notice shall be sent to the public official within 10 days from the date such expenses are incurred. [1975 c.543 §11; 1991 c.677 §1]

244.110 Required statements subject to penalty for false swearing. (1) Any statement of economic interest required to be filed by ORS 244.050, 244.060, 244.070, 244.080, 244.090 or 244.100 shall contain or be verified by a written declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

(2) No person shall willfully make and subscribe any return statement or other document which contains or is verified by a written declaration that it is made under penalties for false swearing, which the person does not believe to be true and correct to every matter. [1974 c.72 §22; 1977 c.588 §5]

244.115 Filing required for member of Congress or candidate; filing date. Each member of Congress from this state and each candidate for a seat in Congress from this state shall file with the Oregon Government Standards and Practices Commission a copy of the federal ethics filing required under federal law or by congressional rule within 30 days after the filing date required under federal law or congressional rule. If the filing is not made in a timely manner, the commission shall obtain copies of the filing and indicate thereon that the filing was not made with the commission by the member of Congress or candidate. All such filings are public records available for public inspection. [1991 c.160 §7]

METHOD OF HANDLING ACTUAL OR POTENTIAL CONFLICTS

244.120 Methods of handling conflicts; generally; application to elected officials or members of boards. (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

(a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

(b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dis-

pose of the matter in a manner specified by the appointing authority.

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

244.130 Recording of notice of conflict; effect of failure to disclose conflict. (1) When a public official gives notice of an actual or potential conflict of interest, the actual or potential conflict shall be recorded in the official records of the public body, and a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided the Oregon Government Standards and Practices Commission within a reasonable period of time. The commission may by rule establish criteria for cases in which such information shall, shall not, or may be provided to it.

(2) No decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed shall be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [1974 c.72 §11; 1975 c.543 §8; 1993 c.743 §16]

244.135 Method of handling conflicts by planning commission members. (1) A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

(a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;

(b) Any business in which the member is then serving or has served within the previous two years; or

(c) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Formerly 215.035 and 227.035]

APPLICATION OF REPORTING REQUIREMENTS TO LOCAL GOVERNMENTS

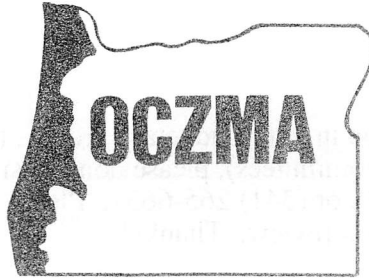
244.160 Application to political subdivisions except cities and counties. Any political subdivision in this state other than a city or county by resolution may require any public official of the subdivision to file a verified statement of economic interest. The filing shall be made with the Oregon Government Standards and Practices Commission. A copy of the ordinance shall be filed with the commission. [1974 c.72 §9]

244.170 "Statement of economic interest" defined. As used in this chapter, "statement of economic interest" means a statement as described by ORS 244.060 to 244.080. [1975 c.216 §1a]

244.180 When city officials required to file statement. (1) As used in this section, "public officials of a city" means each person holding an elective city office; each member of a city planning, zoning or development commission; and the chief executive officer of the city who performs the duties of manager or a principal administrator of the city.

(2) Public officials of a city are required to file a statement of economic interest with the Oregon Government Standards and Practices Commission if a majority of the votes cast by the electors of the city voting at the election as provided for in ORS 244.201 is in favor thereof. [1975 c.216 §2; 1987 c.566 §16]

244.190 When county officials required to file statement. (1) As used in this section, "public officials of a county" means each person holding an elective county office; each member of a county planning, zoning or development commission; and the



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over
4/9/01
CC MG

Oregon Coastal Zone Management Association

P.O. Box 1033 • 313 S.W. Second • Newport, Oregon 97365 • (541) 265-8918 / 265-6651 • FAX (541) 265-5241

March 16, 2001

City Council Members
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

RE: OCZMA DUES FOR FY 2001-2002

Dear City Council Members:

Local governments on the Oregon Coast have begun their respective budgetary processes for FY 2001-2002. Once again, I strongly urge you to include OCZMA in your budgets for the upcoming fiscal year. We count on financial support from our members.

OCZMA concentrates on a wide range of federal, state, and local issues that are uniquely coastal in nature—ports, fisheries, coastal zone management/land use, ocean planning, coastal tourism, coastal hazard issues (tsunamis, earthquakes, and landslides) coastal economics, and coastal transportation. In the last year or two, OCZMA has worked hard to ensure coastal communities don't get left behind with the high tech boom. In addition, most of you know that new federal regulations under the Endangered Species Act (ESA) and the Clean Water Act (CWA) are finally beginning to hit home at the local level. The recent issuance of the Proposed 4(d) rules by the National Marine Fisheries Service (NMFS) signals the dawn of a new regulatory era. Now, more than ever, I believe coastal communities need to share information and communicate their concerns with state and federal agencies. After all, the buck stops at the local government level. Through OCZMA, local governments on the Oregon Coast can stay engaged in new state and federal initiatives. That gives us all greater clout.

I've enclosed an overview of our major activities in the last year. The Association will continue involvement in these same major activities into the new FY 2001-2002, as well as work on any new issues that come up. OCZMA staff is always available to provide technical assistance to its members as needed. We want to know how we can help you.

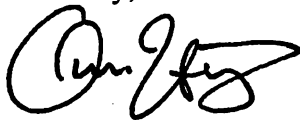
OCZMA has accomplished so much with a small staff over the last 20 years. The support of member jurisdictions is extremely vital to continue OCZMA. Dues for FY 2001-2002 remain at the same level as for FY 2000-2001. OCZMA's dues structure have been and continue to be among some of the lowest membership costs. We strongly encourage the inclusion of dues to the Oregon Coastal Zone Management Association in your FY 2001-2002 budget. For the City of Brookings, dues for FY 2001-2002 would be \$500.00.

received
3-21-01

City of Brookings • City of Coos Bay • City of Depoe Bay • City of Florence • City of Garibaldi • City of Lakeside • City of Lincoln • City of Nehalem
City of Newport • City of North Bend • City of Port Orford • City of Reedsport • City of Rockaway Beach • City of Toledo • City of Umatilla
Clatsop County • Clatsop Soil & Water Conservation District • Coos County • Coos Soil & Water Conservation District • Curry County
Curry Soil & Water Conservation District • Douglas County • Lane County • Lincoln County • Lincoln Soil & Water Conservation District • Port of Alsea
Port of Astoria • Port of Bandon • Port of Brookings Harbor • Oregon International Port of Coos Bay • Port of Garibaldi • Port of Gold Beach
Port of Nehalem • Port of Newport • Port of Port Orford • Port of Siuslaw • Port of Tillamook Bay • Port of Toledo • Port of Umpqua
Siuslaw Soil & Water Conservation District • Tillamook County • Tillamook Soil & Water Conservation District • Umpqua Soil & Water Conservation District

If we can be of any assistance to you in your budgetary process (like providing more information or making presentations to budget committees), please don't hesitate to contact us at the OCZMA office in Newport at (541) 265-8918 or (541) 265-6651. Please distribute this information to your Budget Committee members for their review. Thanks!

Sincerely,

A handwritten signature in black ink, appearing to read "Onno Husing". The signature is fluid and cursive, with the first name "Onno" being more prominent than the last name "Husing".

Onno Husing, Director
OREGON COASTAL ZONE MANAGEMENT ASSOCIATION

OH/gy

Enclosures

Hand
out @
4/9/01
CA Mtg

CPACT STRUCTURE AND OPERATING PRINCIPLES

+ Role/Purpose of CPACT

- ✓ State/regional/local partnership for sharing information and experiences about coastal transportation issues
- ✓ Provide corridor-long advocacy for policy/funding issues to the Oregon Department of Transportation (ODOT) and Area Commissions on Transportation (ACTs)
- ✓ Advise ODOT on interregional (ODOT Regions) needs/priorities

+ CPACT Responsibilities

- ✓ General transportation issues educational forum
- ✓ Coast-long transportation information sharing
- ✓ Review and comment on ODOT policy development activities (using sub-committees)
- ✓ Assisting in the implementation of the Coastal Transportation Strategy (using a sub-committee)
- ✓ Ongoing review and update of the Oregon Coast Transportation Master Plan (using a sub-committee)
- ✓ Develop project priorities to implement the US 101 Scenic Byway Corridor Management Plan (CMP) (using a sub-committee)
- ✓ Carry out other CMP administrative implementation functions (policy advisory support for plan changes and updates, etc. as described in the CMP) (using a sub-committee)
- ✓ Provide input to the Coastal Legislative Caucus
- ✓ Communicate directly with the Oregon Transportation Commission (OTC), ODOT Director, and other ODOT staff, as needed
- ✓ Review and recommend project priority adjustments between Regions for the greater good of the Coast, as needed
- ✓ Keep Area elected officials informed of transportation issues and ensure that CPACT priorities and recommendations are in line with official community positions
- ✓ CPACT quarterly agenda topics will be planned to coordinate with and support monthly ACT business (*see attached matrix for an example of agenda items and coordination with ACTs over a biennium*)

CPACT Relationship to ACTs

- ✓ CPACT will not be formally "chartered" by the OTC
- ✓ CPACT will be formally recognized in ACT Charters
- ✓ ACTs will designate 2 delegates per ACT (only ACTs with coastal counties) to be CPACT members and update CPACT on ACT business and to keep ACTs up to speed on CPACT policy issues or project priority perspectives
- ✓ CPACT recommendations and decisions will take precedence in matters implementing the CTS and the CMP
- ✓ Both CPACT and ACT members will be responsible for keeping elected officials informed of transportation issues and ensure that ACT and CPACT priorities/recommendations are reconciled (consensus or consent) with individual community positions

✦ **Determine Membership/Geographic Structure of CPACT**

- ✓ Membership
 - ◆ All coastal cities and counties
 - ◆ CST State Agencies
 - ◆ Federal Resource Agencies
 - ◆ private sector representatives from Region 2
 - ◆ private sector representatives from Region 3
 - ◆ representatives from each overlapping ACT (numbers to be determined)
 - ◆ Each ODOT Area Manager with Coastal responsibilities
- ✓ Geography
 - ◆ Full CPACT covers entire coast
 - ◆ Quarterly meetings alternate between Region 2 and Region 3
 - ◆ Sub-committees will be representative of entire coast, even if issue is more localized and will consist of 4 to, no more than, 8 CPACT members (not including ODOT, COG, or OCZMA support staff)

✦ **Supporting CPACT through OCZMA**

- ✓ ODOT will provide ongoing financial support to OCZMA to enable them to provide administrative support CPACT
- ✓ OCZMA Staff will be responsible for supporting CPACT, including maintaining meeting schedules, developing agendas, assembling meeting materials, mailings, taking and processing meeting minutes, and arranging meeting venues with appropriate member jurisdictions
- ✓ OCZMA Staff may attend ACT or other ODOT or related state and local planning and policy meetings as background for supporting CPACT (issue and agenda development)
- ✓ ODOT, COGs, and/or local staff will provide technical and facilitation support to CPACT and its sub-committees

CITY OF BROOKINGS
Skate Park Funds Received
Monday, April 9, 2001

*read @
4-9-01
cc mtey*



PRESS RELEASE

Just when we thought things could not get better in Brookings, it did. In fact it got way better. For the last six months the Skate Park Committee has been planning to build a skate park at Bud Cross Park. The largest hurdle has been funding. The Brookings-Harbor Rotary and others have donated nearly \$10,000, but that still left the committee a long way from reaching the goal of \$120,000.

Last week, the City received an anonymous donation of \$10,000 for development of the Skate Park. Then, this week, we received another anonymous donation of \$100,000 for the project. The letter accompanying the \$100,000 check stated "The Skate Park is a worthy project for our community and offers an opportunity for our young residents to have a safer place than the streets to test and display their skills. Our community is a beautiful place to live, not only because of the natural beauty that constantly surrounds us, but also because of the people living here."

The generosity of these people will be appreciated for years to come. Construction of the Skate Park at Bud Cross Park will begin as soon as the contractor can schedule the work. We hope to have the park ready for use this summer. **THANK YOU EVERYONE!**

* * * * *

NEWS MEDIA: FOR IMMEDIATE RELEASE For further information on this release contact City Manager Leroy Blodgett at City Hall, 898 Elk Drive, Brookings, Oregon, or call 469-2163.

FAXED NOTICE SENT TO: Curry Coastal Pilot, KURY, KCRE, KPOD, KBSC-TV49, The World, The Triplicate, Curry County Reporter, Chetco Public Library, Port of Brookings-Harbor, Brookings-Harbor Chamber of Commerce, Brookings-Harbor School District, SWOCC, Brookings Police Department, City Council, posted at City Hall. DATED: 4/9/01