

The Role of the Transit Advisory Committee



Role of the Committee

- Advise Council concerning City's transit system
 - Provide dispute resolution for issues concerning transit system
 - Advise on the financial resources available for transit service and ways to increase efficiency

Authority

- There is only power in numbers
 - A quorum (3) members must be present for the Committee to hold a meeting, and
 - A majority vote is required for all decisions
- Committee only has authority to deliberate / make recommendations on topics allocated to it by the City Council, which include...
 - Items within the Council's established work plan
 - Promotion of the City's Transit Resources
- Council is the final decision maker

Committee Membership

- Consists of 6 members, of which...
 - 3 shall be residents of the City
 - 2 may be residents of Urban Service Area
 - 1 shall be high school student
- In addition, there may be 1 ex-officio member from each of the City-funded transit organizations (i.e. River City)

Meetings Held

- Staff suggested...
 - Third Wednesday of every month at 1:30 p.m.
- Dates/Times can be adjusted depending on schedules
- Committee may meet more / less often depending on work load.

Role of Chairperson & Vice-Chairperson

- First meeting in February
- Chair presides over meeting
 - Responsible for making sure meeting proceeds in a fashion conducive to rational decision making
 - Sets tone for meeting, keeps discussions on track, encourages fairness, moderates and contributes to discussions

Role of Chair continued...

- Chair will...
 - Open the meeting
 - Moderate discussion
 - Ask speakers (if any) to identify themselves & sign in
 - Lead deliberations...
 - Summarize the issues, Ask for input from the committee as a whole, Make sure motions are understandable before full vote is taken, encourage the meeting to move in a timely manner
 - Official Signature on Decisions

Public Meetings Law

- Regulated by State of Oregon – Department of Justice
 - From ORS 192
 - Attorney General's Public Meetings and Open Records Manual

Public Meetings

- Which bodies are subject to the law?
 - The City governing body and any committee or sub-group tasked with making decisions or deliberating toward a decision on any matter
 - Aka the Transit Advisory Committee

Public Meetings

- What public meetings are subject to the law?
 - Standard meetings where a quorum is present (3 or more)
 - Electronic meetings
 - Emails, IMs, texts, social media
 - Serial Discussions

Public Records

- What is a public record?
 - Any document that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics
 - We accept items for the record that are...
 - Emails, formal letters, photos, handwritten napkin drawings ☺
 - All items before the TAC are public records
 - Must be available to the public

Oregon Government Ethics Law ORS Chapter 244 Overview

*Elected Officials or
Officials Appointed to Boards, Commissions, or Advisory Groups*



Oregon Government Ethics Commission
3218 Pringle Rd SE, Ste 220
Salem, OR 97302
(503) 378-5105
www.oregon.gov/ogec

Oregon Government Ethics Law

ORS Chapter 244

Public officials
Prohibited use of office
Gifts
Conflicts of interest
Violations/Sanctions
City's Fraud Policy

Am I a Public Official?

Any person who, when an alleged violation of this chapter 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.

[ORS 244.020(14)]

Includes Employees, Elected Officials, Members of Boards & Commissions, and Volunteers

Am I a Public Official?



Prohibited Use of Office

A public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available **but for** the public official's holding of the official position or office.

[ORS 244.040(1)]

Would I have this opportunity if I was
NOT a public official?



Allowed Financial Gain

- Official Compensation Package
- Honoraria less than \$50
- Reimbursement of Expenses
- Awards for Professional Achievement
- Contributions to a Legal Defense Fund
- Gifts ...

Gifts

Something of economic value given to a public official, a candidate or a relative or member of the household of public officials or candidates 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 or conditions; or for valuable consideration less than that required from others who are not public officials or candidates.

[ORS 244.020(6)(a)]

Legislative or Administrative Interest

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 or a candidate who, if elected, would be acting in the capacity of a public official.

[ORS 244.020(9) & OAR 199.005.0030]

Gift Exceptions

[ORS 244.020(6)(b)]

- Campaign contributions
[ORS 244.020(6)(b)(A)]
- Gifts from relatives
[ORS 244.020(6)(b)(B)]
- Tokens of appreciation
[ORS 244.020(6)(b)(C)]
- Publications, subscriptions or other informational materials
[ORS 244.020(6)(b)(D)]
- Contributions to a legal expense defense fund
[ORS 244.020(6)(b)(G)]
- Waivers or discounts related to continuing education
[ORS 244.020(6)(b)(J)]
- Travel expenses paid by another public official
[ORS 244.020(6)(b)(K)]
- Usual or customary
[ORS 244.020(6)(b)(O)]
- Reasonable educational trip expenses paid to a public school employee
[ORS 244.020(6)(b)(P)]

Gift Exceptions

[ORS 244.020(6)(b)(E)]

Food & Beverage

Admission, food or beverage may be provided to a public official, member of the household or staff when at a reception, meal or meeting when the public official **represents** their government.

Actual Conflict of Interest

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.

[ORS 244.020(1)]

Potential Conflict of Interest

Any action or any decision or recommendation by a person acting in the 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

[ORS 244.020(12)]

Disclosure Methods

Elected Officials

(including members of boards and commissions)

- ✓ Potential Conflict of Interest
 - PUBLICALLY declare, for the record, the nature of the conflict prior to participating in any action
- ✓ Actual Conflict of Interest
 - PUBLICALLY declare, for the record, the nature of the conflict
 - REFRAIN from participation in any discussion, debate or vote on the issue

[ORS 244.120(2)]

Sanctions

- Civil Penalty = Up to \$5,000 per violation
[ORS 244.350]
- Forfeiture = twice the amount of any financial benefit realized
[ORS 244.360]
- Letters of reprimand, explanation or education
[ORS 244.350(5)]

Resources & Information

Oregon Government Ethics Commission
3218 Pringle Rd SE, Suite 220
Salem, OR 97302

(503) 378-5105
(503) 373-1456 – Fax

ogec.mail@state.or.us – E-mail
ogec.state.or.us - Web

City's Fraud Policy

(Resolution No. 32, 2012 – 12.17.12)

- What the policy does...
 - Observes procedures for reporting and investigating fraud, theft, waste, abuse, and ethical misconduct.
- Who is it applied to?
 - Employees, Elected Officials, and Volunteers
- Copies are available

Fraud Policy - Overview

- Fraud, Abuse of Position, and Ethical Misconduct are defined in the policy, the following examples being included in one of the definitions
 - Unauthorized use or willful destruction of City Equipment / Supplies
 - Accepting or seeking anything of material value from contractors or vendors
 - Many More.....

Fraud Policy – Overview Cont.

- If you suspect someone is performing a fraudulent act, either notify the staff person in charge of your committee, or the City Manager.

