

Annual Board Ethics and Public Meetings
Training

Tuesday, August 20, 2024 6:15 pm or directly
following the preceding meeting

Dr. Matthew Prophet Education Center
501 N. Dixon St.
Portland, OR 97227

Agenda

1. 6:15 pm - Annual Board Ethics and Public Meetings Training

Public Meetings and Ethics Laws: August 2024 Update

Mike Porter
Miller Nash LLP

Portland Public Schools
August 20, 2024

Overview

- Policy observations
- Ethics interpretations
- Executive Session interpretations



Board Policy



Board Policy

5.10.066-P

Ethics and Conflict of Interest Policy

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Policy Observations:

5.10.066-P

1. Purpose

Board members and employees are expected to perform the District's business with integrity and accountability to the law and the community we serve; as responsible stewards of the District's resources; and without undue or the perception of undue influence in the performance of our jobs. Board members and employees have been entrusted with the important task of educating our community's children and should strive to live up to the highest ethical standards.

This policy establishes ethical standards of conduct for Board members and employees, whether elected or appointed, paid or unpaid, and sets forth conduct that is incompatible with such standards. Violations of this policy may subject employees to discipline, up to and including dismissal.

Policy Observations:

5.10.066-P

3. Code of Ethics

All Board members and District employees shall act with trust, equity, and accountability.

a. Trust. All Board members and District employees shall treat their office as a public trust. They should avoid the appearance of impropriety and conflicts of interest, and take District Actions and implement policies in good faith as equitably as possible.

b. Equity. Board members and District employees will create an inclusive environment that reflects and supports the racial and ethnic diversity of our student population, employees, and community.

c. Accountability. Board members and employees will strive to carry out their work efficiently and transparently.

Policy Observations: 5.10.066-P

- Should v. Must

6. **Avoiding the Appearance of Conflicts of Interest**

Board Members and District employees should avoid the appearance of a conflict of interest when feasible.

5. **Conflicts of Interest.**

All Board members and District employees must disqualify themselves from participating in District Actions in which they have an actual conflict of interest.



Policy Observations: 5.10.066-P

Retaliation Prohibited. Retaliation or threats of retaliation, both direct and indirect, for good-faith reporting of possible violations of this policy or ORS chapter 244 are prohibited. Any employee found to have engaged in any such conduct shall be subject to disciplinary action.





Ethics Interpretations

Stipulated Final Order, EL Case No. 22-245EHM, June 12, 2024

- Board member seconded motion to adopt salary increases for 911 dispatchers and voted to adopt
- Board member's wife was a dispatcher



Question: Did board member have to recuse himself?

Answer:

Yes. The board member was required to announce the conflict and recuse himself from discussion, debate, or vote.

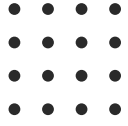


Ethics Interpretations

Letter to Vega Pederson, Advice No. 24-078I, March 12, 2024

You are the Chair of the Multnomah County Board of Commissioners. In celebration of Women's History Month, you have been invited to attend the Portland Trail Blazers game on March 22, 2024. The invitation states:

To commemorate Women's History Month, this pre¹⁰-game and in-game gathering will bring together local leaders and Rip City leadership in celebration and in recognition of the achievements of Oregon women. Complimentary beverages and food provided, and a special moment of honor on the court at halftime to thank you for all that you do for our state.



Ethics Interpretations

- Can the Chair attend?
- Could any board member attend?
- What facts might create more risk?
- What facts might make it worthwhile to decline even if permissible?

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Ethics Interpretations

Letter to Terrance Saunders, Advice No. 24-385I, August 15, 2024

- Commissioner of Oregon Commission on Hispanic Affairs (OCHA) has a consulting business
- Consulting Business has done work with ODOT—ODOT is in a collaboration project with OCHA

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Ethics Interpretations

Advice requested: What conflict of interest might exist?

- Analysis: Is the Consulting Business a business with which the Commissioner is associated?
 - Yes. Any private business or closely held corporation in which a person is an owner, officer, director, employee, or agent or in which the person or the person's relative owns or has owned stock, equity, stock options, or debt instruments worth \$1,000 or more in the preceding calendar year.



Ethics Interpretations

- Is there a conflict of interest?
 - Potentially if the actions, decisions, or recommendations made as a Commissioner would result in additional work for the Consulting Business.
 - Also, if recommendations to ODOT from OCHA suggest that no changes should be made in the arrangement, it could be a financial detriment to Consulting Business.
- More specific facts would be needed to assess specific circumstance, but if a potential conflict, must publicly announce nature of conflict before taking action, actual conflict, announce, and then no participation.

Executive Session Interpretations

Stipulated Final Order, Case No. 23-352XMW

- Board held four executive sessions in one day. Three were noticed, one was announced during an executive session.
- Discussed chief executive benefits under executive session for performance evaluation.
- Discussed an ethics complaint against a former employee in employment discipline executive session.

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Executive Session Interpretations

Stipulated Final Order, Case No. 23-352XMW

- What were the results?
 - OEC has authority to issue \$1,000 fine per violation
 - OEC determined it was “one violation with two equivalent actions” – stipulation was a letter¹⁶ in lieu of penalty



Additional Information

- Coming soon—OGEC required training for board members—must occur during term
 - [Public Meetings Training Site Linked Here](#)
- [Guide for Public Officials](#)
- [Attorney General's Public Records and Meetings Manual](#)
(Note, most recent edition is 2019)

Thank You

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