

RESOLUTION No. 91-23

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

Resolution In The Matter of Adopting Work Rule) RESOLUTION
Governing Outside Employment And Conflicts Of) 91-23
Interest of Employees Of The Division Of)
Assessment And Taxation)

WHEREAS, the Board of County Commissioners of Multnomah County (hereinafter "Board) heretofore adopted a Resolution attached hereto as "Exhibit 1" concerning outside employment of certain employees of the Division of Assessment and Taxation; and,

WHEREAS, it appears to the Board that a need exists to refine rules governing the outside employment of certain employees of the Division of Assessment and Taxation; and,

WHEREAS, staff have in consultation with affected managers and union representatives prepared a refined version of said rules, a copy of which are attached hereto as "Exhibit 2" (consisting of eight (8) pages including Exhibits A through C); and,

WHEREAS, it is the Board's desire that the outside employment of said employees within the Division of Assessment and Taxation be segregated from their County employment duties so as to prevent conflicts of interest or the appearance thereof;

THEREFORE BE IT RESOLVED that the resolution attached hereto as "Exhibit 1" is hereby repealed.

BE IT FURTHER RESOLVED that the rule governing outside employment of certain employees of the County's Division of Assessment and Taxation attached hereto as "Exhibit 2" is hereby adopted and shall be observed as County policy.

ADOPTED this 14 day of March, 1991.

By *Jack Burr*
Gradys McCoy, Chair
Multnomah County, Oregon


RECEIVED
Laurence Kressel
Laurence Kressel, County Counsel
of Multnomah County, Oregon

Department of General Services
Division of Assessment and Taxation

WORK RULE Governing Outside Employment and Conflicts of Interest

I. Purpose

Multnomah County and all units of local government within its boundaries depend heavily on property tax revenue to finance necessary governmental operations. The availability of such revenue depends, in turn, on public acceptance of the property tax system. The cornerstone of public acceptance is confidence that property appraisals, on which assessments are based, are made objectively, competently, and without favoritism. Therefore, it is vital that County employees responsible for appraising or determining the valuation of taxable property refrain from any activity which may generate the reality or appearance of a conflict of interest. This includes, but is not limited to, certain forms of outside employment.

At the same time, the Division recognizes that employees have a legitimate interest in having the freedom to engage in outside employment and other off-duty activities without unreasonable limitations. The purpose of the following rule is to strike a reasonable balance between the needs and interests of the County and those of employees wishing to engage in outside employment and other off-duty activities which could involve actual or apparent conflicts of interest.

II. Persons Required To Obey This Rule

This work rule applies to the Director of the Division of Assessment and Taxation, the Assessor, and all persons employed by the Division certified by the State of Oregon as an Real Property Appraiser.

III. Consequence of Disobeying This Rule

Maintaining the highest levels of public service and confidence are indispensable to an effectively functioning Division, and to preserving the freedom of employees to engage in certain off-duty activities. Therefore, any violation of this rule will be deemed a serious breach of required conduct. Any such violation will result in disciplinary action, up to and including possible discharge.

IV. The Rule

A. Definitions.

1. For purposes of this rule, an "outside appraisal" is any real property appraisal performed by an employee covered by this rule, whether gratuitously or for compensation, for any individual, corporation, partnership, association, or person other than Multnomah County.

2. For purposes of this rule, a "real estate transaction" includes any involvement, direct or indirect, in the sale, purchase, rental, lease, or refinancing or solicitation of the sale, purchase, rental lease or refinancing of real property.

3. "Service Area Boundary" always includes the County's geographic boundaries, but also includes additional areas for which appraisal services are provided under law or contract by the Multnomah County Division of Assessment and Taxation.

4. "Director" means the Director of Assessment and Taxation, unless the context clearly identifies a different meaning.

B. Outside Appraisals.

1. An employee covered by this rule may not perform an outside appraisal within Multnomah County's geographic or service area boundaries.

2. An employee covered by this rule may not perform an outside appraisal outside Multnomah County's geographic or service area boundaries if, in the opinion of the Director or the Director's designee, there exists a substantial possibility that the employee may be assigned within two (2) years following the proposed date of the appraisal and in the course of his or her County employment to appraise or participate, directly or indirectly, in the valuation (for tax purposes) of real property located within Multnomah County's geographic or service area boundaries which is owned by the party for whom the outside appraisal would be performed. The Director and the Assessor are prohibited in all cases from performing an outside appraisal for any party who owns real property within Multnomah County's geographic or service area boundaries.

3. No otherwise permissible outside appraisal shall be performed which would involve an actual conflict of interest or the appearance of a conflict of interest.

4. An employee covered by this rule who desires to perform a permissible outside appraisal shall notify the Director or the Director's designee in writing of the employee's intent to perform the appraisal as far in advance of the time of the outside appraisal as possible, but in no event less than one (1) full regular business day, excluding holidays, of the intended outside appraisal. Shorter notice may be permitted upon written consent of the Director of Assessment and Taxation. (If the notice is received by the Director (or the Director's designee) at least four (4) work days in advance of the date the appraisal is to be performed, the Director or designee will respond within one (1) work day.) In the event the Director or Director's designee are out of the office when such a notice is submitted, and this rule would require the Director or designee to respond by a deadline by which the Director's or designee's return is not anticipated, the employee shall make reasonable attempts to reach them by phone for the authorization, leaving the required documentation with the Director's or designee's secretary. In any event, notice shall disclose, and the employee shall be responsible for fully and accurately providing, the information solicited on the form attached to this rule as Exhibit A. The form attached to this rule as Exhibit A shall be the exclusive notice form permitted by this rule,

and the employee's signature shall constitute consent to release the information contained thereon as a matter of public record. The employee may indicate that the notice given is of a continuing relation with the contracting client, and that the employee anticipates performing future appraisals for the client. In such case, unless the Director of Assessment and Taxation (or the Director's designee) disallows the employment, such notice shall be valid for one (1) year from the date it is received by the Division of Assessment and Taxation.

5. An employee covered by this rule who desires to perform a permissible outside appraisal outside Multnomah County's geographic and service area boundaries for a party who owns real property within Multnomah County's geographic or service boundaries must await receipt of the affirmative written consent of the Director (or the Director's designee) before proceeding with the appraisal. If such consent is not received the appraisal shall not be performed. If the party for whom the appraisal is to be performed does not own real property within Multnomah County's geographic or service boundaries the appraisal may proceed unless the Director (or his or her designee) notifies the employee that the appraisal is not to be performed.

C. Real Estate Licenses and Transactions.

1. An employee covered by this rule who possesses an active Real Estate License shall notify the Director (or the Director's designee) in writing at the time the license is issued, any time the license lapses, is renewed, or used in the course of a real estate transaction. In the case of use, notice must be made on the form attached hereto as Exhibit B within ten (10) days following conclusion of the transaction. The employee's signature thereon will serve as certification that the information provided is complete and accurate, and may be released as a matter of public record.

2. An employee covered by this rule shall not engage in any real estate transaction within Multnomah County's geographic or service area boundaries for which his or her activities related to the transaction require a real estate license; PROVIDED, that the Director may, with the consent of the Director of General Services, permit an exception to this prohibition to an employee desirous of working after hours as a property manager or in a similarly limited capacity. In no event will the Director or the Assessor be granted such an exception. An employee desirous of such an exception shall make application to the Director (or the Director's designee) on the form attached hereto as Exhibit C not less than seven (7) days in advance of the date on which the employee wishes to commence the activity requiring the exception. The activity shall only be commenced if the written consent of the Director (or the Director's designee) and the Director of General Services has been received by the employee.

D. General Provisions.

1. Outside appraisals, dealings in real property transactions, and other personal activities permitted under this work rule but not performed at the direction of Multnomah County shall be performed exclusively on the employee's time and not during the employee's County work hours (including straight time and overtime).

2. An employee covered by this rule who performs outside appraisals, deals in real estate transactions, or engages in other such personal activities permitted under this work rule shall be responsible for ensuring that such activities in no way interfere with the full and proper performance of their duties as a Multnomah County employee.

3. No employee covered by this rule shall, in the course of his or her County employment, appraise any real property in which the employee or any person related to the employee by blood, marriage, or business relation or with whom the employee has previously had interpersonal conflict on matters not related to County employment has any direct or indirect personal interest (which could create the appearance or reality of a conflict of interest) or a direct or indirect financial interest. If assigned by the County to appraise such property, the employee shall immediately inform the Director (or the Director's designee) in writing of the nature of the applicable relation, and the employee will be reassigned.

4. In the event the Director or the Assessor desire to and apply to engage in activities regulated by this work rule, the notice shall be submitted to the Director of General Services who shall perform those administrative tasks related to the application normally performed by the Director (or his or her designee) under this rule. Also, the notice shall be submitted to the Director of General Services as early as possible but not less than seven (7) days in advance of the date of the proposed activity.

5. An employee covered by this rule may not sell for personal gain a copy or original of any public record or information generated, acquired, or developed at public expense in a substantially similar form as the record or information was generated, acquired, or developed for the public agency at whose expense the record or information was generated, acquired or developed. However, nothing herein shall be construed as prohibiting the employee from purchasing such public record or public information and selling it or using it to the same extent as any member of the general public could lawfully sell or use the record or information.

6. An employee may not use or disclose confidential information obtained in the course of his or her County employment to solicit, obtain, or perform outside appraisals, or when engaging in real estate transactions, or at any other time except as directed in the course of County employment.

E. Effect Of Other Rules.

1. The requirements of this Division work rule are in addition to and do not negate County personnel rules including, but not limited to, Rules 3, 5, 6 and 7 (copies attached hereto) as set forth pursuant to Executive Order No. 195 dated June 28, 1988. Nothing herein is intended to negate or modify application of County Personnel Rules including, but not limited to, 3, 5, 6 and 7 to employees of the Division not covered by this work rule.

F. Clarification of Rule.

1. Employees covered by this rule are expected to know and conform with the terms of this rule and the above cited County personnel rules. If the employee is uncertain what this rule requires, he or she is responsible for obtaining clarification from the Director of Assessment and Taxation (or the Director's designee) before proceeding with the activity in question.

G. Disclosure of Employment; Disclaimer.

1. Any employee covered by this rule who wishes to perform an outside appraisal, or engage in a real estate transaction (regardless of whether the employee's activities would require a real estate license) shall, at the outset of such activity, inform all known parties in interest or the parties' representative that they are employed by Multnomah County and the capacity in which they are employed, and that any services to be performed by the employee are as a private party and not as an agent, contractor, vendor or employee of Multnomah County, Oregon.

H. Effective Date.

This work rule shall be effective commencing _____, 1991, the date of its adoption by Resolution No. ____ of the Multnomah County, Oregon Board of County Commissioners.

EXHIBIT A
OUTSIDE APPRAISAL NOTIFICATION

(Please print or type except for signature below.)

Name of Appraiser: _____.

Date this notice Completed: _____.

Name of party for whom appraisal is to be performed (include company name and contact person, if applicable): _____.

Phone: _____.

This is proposed to be a (check one): one time job continuing employment relationship.

Description of the property to be appraised (e.g., single family dwelling, small business, etc.): _____.

Address of property to be appraised: _____.

Address (or other identity if address not known) of any property known by employee to be located in Multnomah County's geographic or service area boundaries owned by the party for whom the appraisal will be performed:

I certify that the foregoing information is complete and correct to the best of my knowledge, and understand that it will be a matter of public record subject to public disclosure.

Employee Signature

Received By: _____
Director or designee

Date received: _____

Director's Review: Approved Disapproved/Reason: _____

Signature of reviewing authority

Exhibit B

(Please print or type except for signature below.)

NOTICE OF USE OF REAL ESTATE LICENSE

Name of Employee: _____.

Date of This Notice: _____.

Nature of Transaction (e.g. sale of single-family dwelling, small business, etc.): _____.

Address of Property the Subject of this Transaction: _____

_____.

Names/Phone Nos. of Parties to the Transaction:

I certify that the foregoing is complete and correct to the best of my knowledge, and understand that it will be a matter of public record subject to public disclosure.

Employee Signature

Received By: _____
Director or Designee

Date Received: _____

Signature of Reviewing Authority

Exhibit C

**APPLICATION FOR EXCEPTION TO LIMITATION ON USE OF REAL
ESTATE LICENSE WITHIN MULTNOMAH COUNTY**

(Please print or type, except signature below.)

Name of Employee: _____.

Date of this Application: _____.

Describe the nature of the activity requiring an exception to policy:

Names, Addresses and Phone Nos. of Principal Parties With or For Whom the
Employee will be transacting business: _____

Location of any real property affected by this transaction: _____

Name, Address, and Phone No. of Owner: _____

Anticipated Duration: From: _____ To: _____.

I certify that the foregoing information is complete and correct to the best
of my knowledge, and understand that it will be a matter of public record
subject to public disclosure.

Received By: _____
Director of Assessment & Taxa-
tion or designee

Employee Signature

Date Received: _____

Division Director's Review: _____ Approved _____ Approved With the following
conditions or limitations: _____

_____ Denied Reason: _____.

Department Director's Review: _____ Approved _____ Denied

Division Director's Signature

Department Director's Signature.