

Proposal 153, version A:

Amend Honolulu Charter as follows:

Section 11-102. Conflicts of Interest --

1. No elected or appointed officer or employee shall:
 - (a) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form[, under circumstances in which]:
 - (1) If it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties[.], or is intended as a reward for any official action; or
 - (2) From a lobbyist registered with the city.Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.
 - (b) Disclose confidential information gained by reason of such person's office or position or use such information for the personal gain or benefit of anyone.
 - (c) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.
 - (d) Receive any compensation for such person's services as an officer or employee of the city from any source other than the city, except as otherwise provided by this charter or by ordinance.
 - (e) Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any agency, except as otherwise provided by law.
2. No appointed officer shall participate in or make any decision on a city matter if:
 - (a) He or she was directly involved in the matter while employed with a private entity in the twelve months immediately preceding the start of the officer's current employment with the city; and
 - (b) Such prior involvement on behalf of a private entity may tend to impair the independence of judgment in the performance of the officer's official duties.The prohibition in this subsection shall apply for a period of twelve months from the start of the officer's current employment with the city. The officer may apply for a waiver from this prohibition to the ethics commission, which shall determine, based on the relevant circumstances, whether the waiver is in the best interests of the public. For the purposes of this subsection, the term "officer" shall exclude any member of a board or commission who is not the administrative head of an agency.

Proposal 153, version B:

Amend Honolulu Charter as follows:

Section 11-102. Conflicts of Interest --

1. No elected or appointed officer or employee shall:
 - (a) Solicit or accept any gift with a value, or gifts with an aggregate value, in excess of \$200 per year directly or indirectly, whether in the form of money, loan, gratuity, favor, service, meals, entertainment, thing or promise, or in any other form [under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties], from any single source that could reasonably be known to have a legislative or administrative interest. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.
"Legislative or administrative interest" means an economic interest distinct from that of the general public in any matter subject to the decision or vote of a public official acting in an official capacity.
 - (b) Disclose confidential information gained by reason of such person's office or position or use such information for the personal gain or benefit of anyone.
 - (c) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.
 - (d) Receive any compensation for such person's services as an officer or employee of the city from any source other than the city, except as otherwise provided by this charter or by ordinance.
 - (e) Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any agency, except as otherwise provided by law.
2. No appointed officer shall participate in or make any decision on a city matter if:
 - (a) He or she was directly involved in the matter while employed with a private entity in the twelve months immediately preceding the start of the officer's current employment with the city; and
 - (b) Such prior involvement on behalf of a private entity may tend to impair the independence of judgment in the performance of the officer's official duties. The prohibition in this subsection shall apply for a period of twelve months from the start of the officer's current employment with the city. The officer may apply for a waiver from this prohibition to the ethics commission, which shall determine, based on the relevant circumstances, whether the waiver is in the best interests of the public. For the purposes of this subsection, the term

“officer” shall exclude any member of a board or commission who is not the administrative head of an agency.

3. Every elected or appointed officer and every employee shall file a written, annual report documenting every gift in any form in excess of \$50 received from a lobbying entity or any person authorized to lobby on the lobbying entity’s behalf. The report shall include a description of the gift, a good-faith estimate of the value of the gift, the date the gift was received; and the name of the person, business entity, or organization from who, or on behalf of whom, the gift was received. The report shall be filed with the ethics commission on June 30 of each year and be available for public review. The report shall cover the period from June 1 of the preceding calendar year through June 1 of the year of the report.

OREGON REVISED STATUTES (2015)

§244.025 Gift Limit

- (1) During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly, or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

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<http://www.oregonlaws.org/ors/244.025>

§244.020 Definitions

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

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- (9) Legislative or administrative interest means an economic interest, distinct from that of the general public, in:
 - (a) Any matter subject to the decision or vote of the public official acting in the public officials capacity as a public official; or
 - (b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.
 - (c) Any individual for whom the public official or candidate has a legal support obligation;
 - (d) Any individual for whom the public official provides benefits arising from the public officials public employment or from whom the public official receives benefits arising from that individuals employment; or
 - (e) Any individual from whom the candidate receives benefits arising from that individuals employment.

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<http://www.oregonlaws.org/ors/244.020>