

# Oregon City/County Management Association Bylaws and Policy Annex

## BYLAWS

### ARTICLE 1

#### *Name*

The name of this Association shall be the Oregon City/County Management Association (referred to herein as OCCMA).

### ARTICLE 2

#### *Organization*

Section 1. OCCMA is an unincorporated association of general-purpose local government or council of governments, managers and assistants in the State of Oregon.

Section 2. OCCMA shall be based at the League of Oregon Cities located at 1201 Court St. NE, Suite 200; Salem, OR 97301

### ARTICLE 3

#### *Purpose*

The purpose of OCCMA shall be to:

- Support professional management in local government by increasing the knowledge and ability of administrators and managers;
- Promote the exchange of information between the members;
- Offer personal support to members; and
- Sustain the functions, principles and goals of the International City/County Management Association.

### ARTICLE 4

#### *Membership*

Section 1. Membership in OCCMA shall be in one of seven categories defined below as Active, Affiliate, Cooperating, Student, Retired, Honorary, or Lifetime. A person shall become a member by submitting an application on a form approved by the Board certifying that they meet eligibility requirements for one of the membership categories for OCCMA, and also submit the payment of annual dues to the Secretary-Treasurer.

Section 2. ACTIVE MEMBERS: Any person who is an appointed manager or administrator, or an assistant city or county manager or administrator, or an assistant to a manager or administrator of a general purpose local

government or council of governments in the State of Oregon, or a corporate member of the International City/County Management Association who serves in Oregon, or while in transition from such a position and actively pursuing other eligible employment in Oregon, shall be eligible for active membership in the Association. Active members shall comply with the ICMA Code of Ethics and the Declaration of Ideals. Any active member of this Association, who has resigned or been removed from a position in local government, may retain active membership status for a period of three years, or for a longer period if authorized by a majority vote of the Board. Annual membership dues will be waived for up to three years while the member remains in transition and actively pursuing other eligible employment in Oregon. If it is shown to the satisfaction of the Board that the member's resignation or removal was for a cause that violates the ethical standards of the International City/County Management Association, the membership in the Association may be terminated immediately by the Board. The Board may consider requests for refunding dues. The decision of the Board shall be final.

Section 3. AFFILIATE MEMBERS: Any person who fills a position in a general-purpose local government or council of governments and has obtained a statement co-signed with their current chief executive officer indicating a continued interest in pursuing a career in city/county management or an appointed administrative official reporting to a mayor/city council. Affiliate members shall hold no office or vote.

Section 4. COOPERATING MEMBERS: Individuals who work for an employer who does business with and has close ties to one or more units of local government. Cooperating members shall hold no office or vote, or have access to the OCCMA listserv or members-only website.

Section 5. STUDENT MEMBERS: Any person registered as a student in a college or university public administration program, or is currently working in a career in public management.

Section 6. RETIRED MEMBERS: Any person who was previously an active member and has qualified for benefits under a local government retirement plan shall be eligible for retired membership by providing written notice to the Secretary-Treasurer and payment of the membership fee, if any, for the current year. Retired members shall hold no office or vote.

An individual who was not previously a member of OCCMA but who now resides in Oregon and has had a career in local government management that would have made them eligible as an active member in OCCMA may become a retired member upon approval of the majority of the Board.

Section 7. HONORARY MEMBERS: Honorary members shall be chosen based on their contributions to the Association and/or to the field of city or county management in Oregon. Honorary membership shall be conferred by a Board vote at any regular meeting. Honorary members shall pay no dues, hold no office, or vote. Honorary membership is bestowed for an indefinite period.

Section 8. LIFETIME MEMBERS: Lifetime membership shall represent the highest honor afforded to retired members. Lifetime members shall be chosen because of distinguished service in the field of city or county management during his or her management career and lasting and meaningful contributions to the OCCMA and the profession of local government management. Lifetime members shall pay no dues, hold no office, or vote.

To be eligible for lifetime membership in the Association, the person must have been an active member of the Association for a minimum of five years and is currently retired from the profession or no longer employed in the profession. Following a written letter of nomination signed by at least three active members of OCCMA, the Board will consider conferring lifetime membership to the nominee at any regular business meeting. A lifetime member shall be elected only upon recommendation of the Board. In making this recommendation,

the Board shall consider contributions to the profession at a level greater than the organizations served by the nominee; contributions at a national level; contributions to the profession as a whole, including teaching or publication; and any other relevant service. Once a recommendation has been approved by the Board, lifetime membership shall be conferred upon an individual after a majority vote of the membership present at a general membership meeting. Lifetime members shall comply with the ICMA Code of Ethics and the Declaration of Ideals.

Section 9. REFUSAL OF MEMBERSHIP: The Board reserves the right to examine the qualifications, evaluate the prospective member, and deny membership in the Association to anyone.

## **ARTICLE 5**

### *Membership Meetings*

Section 1. MEMBERSHIP MEETINGS: The Association shall hold at least one general meeting each year at the same time and place as the annual meeting of the League of Oregon Cities. Additional meetings may be called by the President or a majority of the Board.

Section 2. NOTICE: Membership meetings shall be noticed in the OCCMA Newsletter, and/or the OCCMA website, and/or the OCCMA list-serve at least 30 days before the scheduled meeting.

Section 3. QUORUM: Those active members present at any meeting of the Association shall constitute a quorum. A majority vote of those active members present and voting shall be necessary for approval of any question before the Association. Voting by proxy is not permitted.

## **ARTICLE 6**

### *Offices and Terms of Office*

Section 1. GENERAL POWERS: The business and affairs of the Association shall be managed by its Board of Directors (referred to herein as the "Board").

Section 2. STRUCTURE: The Board shall be the Officers and eight Directors.

The terms of all Officers and Directors shall start as of January 1 following their election and end on December 31 of the year the term ends.

Section 3. OFFICERS: The officers of this Association shall be President, President Elect, and Immediate Past President who shall each have a term of one year. In addition, the Secretary-Treasurer (non-voting) shall be the League of Oregon Cities Executive Director, or designee.

Section 4. DIRECTORS: Eight directors shall be elected for a term of three years. The terms shall be staggered with three (3) members elected in the first year following adoption, two (2) members being elected in the second year, and three (3) members being elected in the third year, with the same rotation continuing in the future.

Section 5. OFFICER RESPONSIBILITIES: The officers of the association shall be as follows:

- The President shall be the chief executive officer of the association, shall serve as chair person at all meetings of the Board of Directors, and shall be authorized to call special meetings of the Board whenever he or she shall deem it proper to do so. The President may sign and execute all authorized contracts, and other instruments or obligations in the name of the association. The President shall do

and perform such other duties as described in the bylaws, policies, and as may be assigned to him or her by the Board.

- The President Elect shall perform such duties that from time to time may be authorized by the Board of Directors. The President Elect shall have the powers and perform all the duties of the President in case of the absence of the President, and shall assume the Presidency in case the office of President is vacant.
- Immediate Past-President shall serve as a member of the Board. Immediate Past-Presidents shall perform any duties that are described in the bylaws, policies, or as requested by the Board.
- The Secretary-Treasurer shall transact the necessary financial business of the Association, keeping a complete record of all transactions, which shall be submitted for auditing at the annual meeting of the Association. If the Board desires, the Secretary-Treasurer shall be bonded in such form and amount as may be determined by the Board. The Secretary-Treasurer shall keep written minutes of the Board and Membership meetings.

Section 6. PROMULGATION OF POLICIES: The Board is empowered to enact policies from time to time to govern the operations of the Association. Policies are enacted by a vote of two thirds of the members of the Board present at a regular meeting after they have been introduced at a previous Board meeting, and after at least thirty (30) days' notice has been provided in the OCCMA newsletter; and/or the OCCMA website; and/or on the OCCMA list serve. Policies will remain in effect until they are rescinded by future action of the Board or by the membership. Policies shall be compiled and provided as an annex to the Bylaws. Any modification of rules during the year will be presented to the General Membership at the Annual Meeting. Policy changes can be repealed by the membership if a motion is made and supported at the membership meeting to repeal a policy made by the Board if a majority of the membership at the annual meeting votes to repeal that policy.

Section 7. RESIGNATION: Any Board member may resign at any given time by giving written notice to the Board. The resignation of any Board member shall take effect upon receipt of notice thereof, or at such later time as shall be specified in such notice; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The vacancy shall be filled in accordance with Article 7, Section 6.

Section 8. COMPENSATION: The Board shall serve without compensation except that reasonable reimbursement relating to operation of the Association may be provided per the Association's policies.

Section 9. TERM LIMITS: A member shall be eligible to serve two (2) consecutive terms as Director. In the event a Director is appointed to fill a partial term, that Director is eligible for election to a full term on the Board of Directors. Members are eligible to serve additional non-consecutive terms. A member who is elected to serve as President Elect, and who then assumes the offices of President and Past President is not eligible to serve consecutive terms as President Elect, President, and Past President.

## **ARTICLE 7**

### *Nomination, Election of Officers and Directors, and Removal from Office*

Section 1. ELECTION OF OFFICERS & DIRECTORS: At each annual meeting, the Association shall elect the President Elect and members of the Board in accordance with adopted election policies. The President's position shall be filled by the previous President Elect, and the Immediate Past President shall be filled by the previous President. The Secretary-Treasurer shall be filled by the Executive Director of the League of Oregon Cities, or designee. Together these officers and directors shall constitute the Board of Directors of the OCCMA.

Section 2. **NOMINATING COMMITTEE:** Nominations to the Board of Directors for the President Elect and Directors shall be made by the Nominating Committee made up of not less than three (3) members. The Immediate Past President, or other active member appointed by the President, shall Chair the Nominating Committee. The other members shall be appointed by the President. The nominations committee shall strive to nominate candidates, at the time of election, which includes a minimum of one county member, one assistant manager or one assistant to a manager, and one member from a community of 5,000 or less population. In addition at least one Board member should represent, at the time of election, each of the following generally described state regions: Metropolitan Portland; the Willamette Valley; Coast; Eastern; and Southern.

Section 3. **NOTICE OF ELECTIONS:** Notice to fill regularly scheduled vacancies for the position of President Elect and Directors shall be made in the OCCMA Newsletter; and/or on the OCCMA website; and/or, on the OCCMA Listserv in accordance with any adopted policies.

Section 4. **ELIGIBILITY FOR OFFICE:** Any active member, as defined in Article 4, Section 2, having at least one-year's membership in the Oregon City/County Management Association, may make application to the Secretary-Treasurer for a vacant position by the deadline stated in the Notice of Vacancy. In addition, active members applying to serve as President Elect of the Association shall have a minimum of one-year of service on the OCCMA Board. All applications for vacant positions will be reviewed by the Secretary-Treasurer for completeness and eligibility to serve.

Section 5. **ELECTION:** The Nominating Committee shall present a slate of qualified, acceptable candidates to the Board for approval in accordance with any adopted policies. Once approved by the Board, the slate will be presented to the membership by the Board for a vote. The Board may leave slot(s) open for nominations from the floor. Nominations from the floor of qualified members for election will be considered, in addition to the proposed slate of candidates.

Section 6. **VACANCIES:** Appointments to fill Board vacancies may occur from time to time due to a seated Director, or President Elect not being able to fill out the full length of their term. The appointment to fill vacancies shall be made by the Board after having first published notice of said vacancies in the OCCMA Newsletter; and/or on the OCCMA website; and/or on the OCCMA Listserv at least 30 days prior to appointment. Any member meeting eligibility requirements of Article 7, Section 4 may make application to the Secretary-Treasurer for a vacant position by the deadline stated in the Notice of Vacancy. In the event of a vacancy in the office of President, the President Elect will fill the remaining term of President, and will continue to serve as President during their full term as well. If a vacancy occurs in the term of the Immediate Past President, the most recent Past President who is available and willing to serve shall resume service on the Board of Directors. All applications for vacant positions will be reviewed for completeness and eligibility to serve by the Secretary-Treasurer. The Board of Directors shall fill the resulting vacancy on the Board by majority vote of those Board members in attendance at the meeting.

Section 7. **REMOVAL FROM OFFICE:** Officers or Directors of the Board may be removed from office by a two-thirds majority vote of the Board at a regular or special meeting for one or more of the following reasons:

- Neglect of the duties of office;
- Any violation of the ICMA Code of Ethics, Oath of Office, or Bylaws;
- Misrepresentation to outside parties of the Association and its officers;
- Unauthorized expenditure, or misuse of Association funds;
- Two consecutive unexcused absences from Board meetings.

Formal complaints to request an Officer or Director be removed from office will be submitted to the President or President Elect. The President or President Elect will notify the Board that a complaint has been made, and shall forward background information provided in the complaint. The President or President Elect will advise the Board in writing of the formal complaint and schedule a meeting to hear the complaint. The President or President Elect shall notify the Officer or Director whose conduct is at issue and name the allegations and provide the Officer or Director the opportunity to provide the Board additional information relating to the allegations. Such notice shall occur at least four (4) weeks prior to the meeting at which the allegations will be discussed. The Officer or Director may provide the board information orally, in writing at least four (4) days prior to the meeting, or both. After considering all the information received, the Board may by majority vote do the following:

- Find that no violation occurred;
- Suspend the membership, and Board participation for a specified period;
- Remove the Officer or Director from office, effective immediately.

Should an Officer or Director of the Board be removed from office, that vacancy shall be filled according to Article 7, Section 6 – Vacancies.

## **ARTICLE 8**

### *Board Meetings*

Section 1. **REGULAR MEETINGS:** The Board shall approve an annual meeting schedule including the time and place, either within or out of the State of Oregon, for the holding of regular meetings without other notice. This schedule shall be posted in the OCCMA newsletter; and/or the OCCMA website; and/or the OCCMA list serve.

Section 2. **SPECIAL MEETINGS:** Special meetings of the Board may be called by or at the request of the President, or any two Directors at any place within the State of Oregon.

Section 3. **MEETINGS CONDUCTED ELECTRONICALLY:** The Board may meet electronically in accordance with any adopted policies. Notice and quorum requirements are required to be met with all meetings.

Section 4. **NOTICE:** Written notice of any special meeting, or rescheduled regular meeting of the Board shall be given by mail, telephone, telecopy, or e-mail to each Board member at least three days prior to the meeting. The regular meeting schedule and any special meeting notices shall be posted in the OCCMA newsletter; and/or the OCCMA website; and/or the OCCMA list serve shall be posted at least three (3) days in advance of the meeting.

Section 5. **QUORUM:** A quorum of six voting Board members shall be required for the Board to conduct business.

Section 6. **ELECTRONIC PARTICIPATION:** A Board member shall be deemed to be present in person at the meeting of the Board if such Board member participates in the meeting by a conference telephone or by other similar communications equipment through which all persons participating in the meeting may communicate with each other and all participants are advised of the communications equipment and the names of the participants in the conference are divulged to all participants.

Section 7. **MANNER OF ACTING:** Except as otherwise required by law or by these Bylaws, the act of the majority of the Board at a meeting at which a quorum is present shall be the act of the Board. The President shall rule on all matters of procedure in the conduct of the meeting. Voting by proxy is not permitted.

## **ARTICLE 9**

### *Membership Committees*

Section 1. COMMITTEE APPOINTMENTS: The President shall make appointments to the following standing committees: Nominating; Ethics; Support for Managers; Bylaws and Policy, Audit Committee and Professional Development. All members of the Association are eligible to serve on committees. Each committee shall be chaired by an Association member appointed by the President.

Section 2. AD HOC COMMITTEES: The President shall create, with the approval of the Board, such ad hoc committees as the majority of the Board may deem advisable. The President shall make the ad hoc committee appointments. The ad hoc committees shall provide an annual report at the annual meeting, or as otherwise directed at the request of the Board. The ad hoc committee shall be disbanded once the committee has completed its work.

Section 3. LIAISONS TO COMMITTEES: The President shall assign Board members as liaisons to the standing committees to monitor committee activities and provide reports to the Board and at the annual meeting.

## **ARTICLE 10**

### *Fiscal Affairs*

Section 1. FISCAL YEAR: The fiscal year for the Association shall be from January 1 to December 31. Dues and subscriptions as determined by the Board shall be payable annually in advance, on or before January 1 of each year.

Section 2. ANNUAL BUDGET AND FINANCIAL REPORTS: The Board shall adopt a budget annually at the first meeting of the Board of Directors in accordance with any adopted policies. The Secretary-Treasurer shall present a financial report to the members of the Association at the annual meeting of the Association. The Secretary-Treasurer shall compile an annual financial report after the close of the fiscal year for presentation to the Audit Committee.

Section 3. FINANCIAL MANAGEMENT: The Board shall enter into a contract for services to provide for administrative and financial support services with the League of Oregon Cities, or other qualified provider, to assist with the administration of conferences, maintain Association finances, and for contractual authority to support various endeavors of the Association as directed by the Board. Any contract for services shall be included in the Policy Annex.

Section 4. AUDIT COMMITTEE: An Audit Committee shall consist of the President Elect, and two other Directors appointed by the President. The committee shall meet with the Secretary-Treasurer to review all financial transactions, and provide a report to the Board after the close of the fiscal year. The report will be reviewed and accepted by the Board. The Audit Committee can recommend to the Board that an independent review, or audit of the Association finances, be conducted by a qualified firm.

Section 5. DUES: Active and affiliate members shall pay dues as provided by the Board. Honorary members and Lifetime members shall be exempt from dues. Any active member whose dues are in arrears for a period of six months shall be suspended from membership and notified in writing of the suspension.

**ARTICLE 11**  
*Code of Ethics*

Section 1. ICMA CODE OF ETHICS: The association has adopted the ICMA Code of Ethics as a requirement to maintain Active Member status in the Oregon City/County Management Association. All active members are required to govern their conduct in accordance with the ICMA Code and its associated guidelines. Active members are further required to submit to a peer-to-peer review of any allegations of unethical behavior.

Section 2. DISCIPLINARY ACTION: The Board shall have the authority to take disciplinary action, up to and including expulsion from the Association, against any member which, in its judgement, may be appropriate in order to maintain the professional standards of the Association. Disciplinary action may include public censure wherein notice is given to other members of OCCMA, the governing bodies of appropriate cities and counties, and/or news media outlets that a violation of the code has taken place and that OCCMA strongly disapproves of such conduct.

**ARTICLE 12**  
*Nondiscrimination*

All members, officers and persons served by the association shall be selected entirely on their qualifications and on a nondiscriminatory basis without regard to race, color, religion, sex, national origin, disability, marital status, sexual orientation, or any other legally protected status.

**ARTICLE 13**  
*Indemnification*

The Board shall obtain insurance on behalf of any agent of the Association (including a director, officer, employee, or other agent of the Association) against liabilities asserted against, or incurred by the agent in such capacity. A summary of the current liability coverage shall be included in the Policy Annex. The Secretary-Treasurer shall maintain a complete copy of the insurance policy.

**ARTICLE 14**  
*Amendments*

The Bylaws may be amended or repealed by two-thirds vote of the active members of the Association present at the annual meeting, provided proper notice of the membership meeting has been provided in accordance with Article 5, Section 2. Amendments may be initiated by the Board, or five active members of this Association may, by a petition to the Secretary-Treasurer, initiate a desired change. The Board may also utilize a letter ballot for purposes of amending the Bylaws. Voted letter ballots will be canvassed by two members of the Board appointed by the President on, or after, the sixtieth day after the ballots have been mailed to the membership by the Secretary-Treasurer. The Bylaws will be amended by a majority of active members voting thereon.

History of amendments to the OCCMA Governing Documents

Constitution and Bylaws originally adopted November 16, 1958. Includes amendments approved March 13, 1965, November 17, 1970, November 14, 1971, November 16, 1975, November 12, 1978, November 12, 1983, November 8, 1986, November 10, 1991, November 15, 1992, November 6, 1998, November 9, 2001, November 15, 2003, November 10, 2005, October 2, 2008, October 1, 2009, September 29, 2011, September 27, 2012, September 24, 2015 and September 29, 2016. On September 28, 2017 the Constitution and Bylaws were repealed and replaced with Bylaws and a Policy Annex. Includes amendments approved on September 27, 2018 and October 21, 2021.



# OREGON CITY/COUNTY MANAGEMENT ASSOCIATION POLICY ANNEX

## ARTICLE 1

### *Purpose*

Section 1. Article 6, Section 6 of the Oregon City/County Management Association Bylaws provides that the Board may enact, amend or repeal policies to govern the operations of the Association. Policies are enacted by a vote of two thirds of the members of the Board present at a regular meeting after they have been introduced at a previous Board meeting, and after at least thirty (30) days' notice has been provided in the OCCMA newsletter; and/or the OCCMA website; and/or on the OCCMA list serve. Policies take immediate effect upon the Board adoption. The Bylaws and Policies Committee will give a report at the annual membership meeting which will include any policies approved, amended or repealed since the last annual meeting. A majority of the membership may reverse or repeal any action taken by the Board of Directors following the report of policy changes at the annual meeting.

Section 2. The policy annex shall include a date indicating when policies are adopted and revised.

*Adopted 9-28-2017; Amended 9-27-2018.*

## ARTICLE 2

### *Meetings / Conferences*

Section 1. ANNUAL MEMBERSHIP MEETING: Article 5 of the Bylaws provide that an annual Membership meeting be held at the same time and place as the League of Oregon Cities annual meeting. The OCCMA President is the Chair of the annual Membership meeting. At the annual Membership meeting of the Association, an agenda shall be available that includes the following:

- Call to Order;
- Roll call;
- Minutes;
- Correspondence;
- Financial Report;
- President's Report;
- Announcement of the Board meeting schedule;
- Bylaws or Policy Amendments;
- Committee Reports;
- Election of officers;
- Other business;
- Adjournment.

Section 2. PARLIAMENTARIAN. The President shall appoint a parliamentarian for the annual Membership meeting. The parliamentarian shall advise the President on any questions of order. The President shall decide all points of order, including interpretations of the By-Laws and the Policy Annex, which decisions shall be final and not subject to appeal.

Section 3. CONFERENCE AND BOARD MEETING DATES: The Board and the Board elect shall meet annually in November to establish the Association's goals and Board meeting dates for the upcoming fiscal year. The Spring Conference, if hosted by the Oregon City/County Management Association, shall be set by the Board of

Directors, and shall be held during the spring. The Summer Conference, if held, shall be on a Wednesday, Thursday and Friday in July, and shall be in various locations as determined by the Board. The annual Membership meeting shall be held in conjunction with the League of Oregon Cities Conference. The Board may approve changes in this schedule and report any changes to the membership.

#### Section 4. BOARD OF DIRECTOR'S MEETINGS CONDUCTED VIA EMAIL:

- A. Any board member may make a motion via email.
  - 1. The subject line should include the word "Motion."
  - 2. The first line of the body of the email should include the words "I move that the board approve/authorize/recommend ..."
  - 3. The motion shall be forwarded to the Secretary-Treasurer for distribution to the Board members, and to provide notice to the membership of the meeting being conducted via e-mail.
- B. All board members, including the President, may vote. Board members should include the words "I vote No" or "I vote Yes" in the first line of their response. A member may vote "No" and indicate that deliberation is suggested on that motion.
- C. A majority of Board member votes are required to decide an email motion. The member who proposed the motion is automatically counted as an affirmative vote.
- D. Email motions can only be voted up or down and cannot be amended.
- E. The motion will expire in seven calendar days or at the start of the next board or membership meeting – whichever comes first. If the motion doesn't receive the required majority vote by the deadline it fails.
- F. The member who proposed the motion may withdraw it at any time prior to approval.
- G. The s Secretary-Treasurer is responsible for tallying the votes and informing the board of the outcome. If a member fails to cc: other board members on his vote, the Secretary-Treasurer should forward the email to the others.

*Adopted 9-28-2017; Amended 9-27-2018.*

### **ARTICLE 3** *Elections*

Section 1. ELECTION OF DIRECTORS AND PRESIDENT ELECT: Article 7 of the Bylaws provides for a nominating committee to be appointed by the President to present a slate of candidates including Directors and a President Elect for the Association. Once approved by the Board, a final slate of candidates will be presented to the membership for a vote. Nomination of qualified members can also be made from the floor to fill the position of Director or President Elect. For qualifications, see Article 7.4 of the Bylaws.

Section 2. ELECTION PROCESS: The election process will be as follows:

- A. At the first meeting of the Board in the new calendar year, the President appoints no less than three individuals to serve on the Nominating Committee, with the Immediate Past President to serve as Chair.

- B. On, or before July 1, the Secretary-Treasurer will publish a notice indicating which positions must be filled in the upcoming election and invite members who are interested to apply for open positions. Notice to fill regularly scheduled vacancies for the position of President Elect and Directors shall be made in the OCCMA Newsletter; and/or on the OCCMA website; and/or, on the OCCMA Listserv in accordance with any adopted policies.
- C. July 30 is the deadline for applications.
- D. The Secretary-Treasurer will review the applicants to determine whether the member is in good standing, and has the required years of service in OCCMA, and meets any term limitations. The Secretary-Treasurer will provide all applications, and a report on any ineligible candidates to the Chair of the Nominating Committee.
- E. At least forty-five days before the annual meeting, the Nominating Committee will provide a report to the Board, including the names of all applicants and the recommended nominees for election.
- F. At least thirty days prior to the annual meeting, the President will call a special meeting (via email or telephone) to vote to forward a list of nominees for election to the membership.
- G. Notice of the nominees will be provided in the agenda packet distributed approximately ten days prior to the annual meeting via the OCCMA website and/or OCMMA list serve.
- H. In the event that the Board does not forward a candidate for all open positions, a call for nominations from the floor will be made by the President at the annual meeting.
- I. At the annual meeting, the President will present the list of nominees approved by the Board to the membership.
- J. The President will call for any other nominations of qualified candidates from the floor for election to vacant positions. If there are no nominations of other candidates from the floor, the President will call for a motion and support to elect the candidates as a slate as presented by the Board of Directors, and a voice vote on the motion will be made.
- K. If other qualified candidates are nominated from the floor, and there are more candidates than open positions, the President will conduct voting through a paper ballot with the Secretary-Treasurer and Immediate Past President charged with counting the election ballots. The candidates with the highest vote totals will be elected.

*Adopted 9-28-2017; Amended 7-13-2018.*

#### **ARTICLE 4** *Annual Budget*

Section 1. BUDGET PREPARATION: In accordance with Article 10.2 of the Bylaws, the Board shall adopt an annual budget at the first meeting of the newly seated Board. The draft budget shall be developed by the Secretary-Treasurer in consultation with the President Elect.

Section 2. BUDGET CALENDAR:

- A. The Secretary-Treasurer shall prepare a draft budget in consultation with the President Elect for presentation at the annual Board retreat in November.
- B. At the annual Board retreat, the current Board and Board-Elect will review the draft budget and provide comments to the Secretary-Treasurer and President Elect on any suggested modifications to the draft budget.
- C. At the first meeting of the Board in the new calendar year, the Board will review, modify, and formally adopt the budget.

*Adopted 9-28-2017; Amended 9-27-18.*

**ARTICLE 5**

*Reimbursement and Financial Policies*

Section 1. TRAVEL EXPENSES:

- A. When used in this policy, the term “travel expenses” means and is limited to:
  - 1. The costs of a rental car, or mileage for private automobile travel at current IRS-approved rates, whichever would be less;
  - 2. Coach/economy class airfare, airport parking, and ground transportation to and from the departure and destination airport, when traveling out of state and travel by air is least cost to the Association;
  - 3. Hotel or motel accommodations at an amount that does not exceed the federally established Government Service Administration lodging per-diem rates (excluding local taxes) for the locality where the event or meeting is held;
  - 4. Actual expenses for meals including gratuities in an amount not to exceed the federally established per-diem rate for the locality in which the meal was consumed;
  - 5. Registration fees for ICMA Annual Conference, Northwest Regional Conference (when held outside of Oregon), and the ICMA West Coast Regional Conference; and
  - 6. Incidental expenses, to include but not limited to, long distance telephone charges, copy charges, transportation and luggage handling tips, dry cleaning, at an amount not to exceed \$5/day.
- B. President Travel Expenses: Within 30 days of travel, the President may request reimbursement for travel expenses to attend the ICMA Conference, Northwest Regional Conference (when held outside of Oregon), ICMA West Coast Regional Conference, ICMA committee meetings, and Field Visits (when the field visit was approved by the Board). No reimbursement shall be provided for attendance at the annual League of Oregon Cities conference. The President may designate a board member to attend meetings on the President’s behalf and receive reimbursement pursuant to this policy.
- C. Board Member Travel Expenses: For all membership events, including the annual Board retreat/business meeting, all expenses shall be paid by individual Board members. Provided however that any meals provided as part of the meeting, facility/meeting room and audio-visual equipment costs shall be paid by the Association.
- D. ICMA Committee Member Travel Expenses: Active Association members (including Board members) may request, by petition to the Board, up to one-half of their travel expenses for out-of-State

participation on national committees including but not limited to Conference Planning Committee, Strategic Planning Committee and Small Community Task Force.

- E. Travel Expenses for Members in Transition: Board Members or Active Association members appointed to an ICMA Committee who are in transition may make requests to the Board for reimbursement of travel expenses incurred to attend Association business meetings.
- F. Procedure for Expense Reimbursement: The OCCMA Secretary-Treasurer (or designee) will develop an expense report form that is consistent with this policy for persons to use when submitting a reimbursement request. A person who is eligible for reimbursement under this policy shall send the request for reimbursement along with the expense report, which must include receipts substantiating the expense, to the OCCMA Secretary-Treasurer (or designee) within thirty days of the last day of travel in which the expense was incurred. All reimbursements are subject to sufficient funds being allocated in the Association budget to pay for the expenses. Any disputed reimbursements shall be reviewed and settled by the Board.

Section 2. DUES: The OCCMA membership year runs January 1 through December 31. A new member's initial dues may be prorated by 50% if the member joins after June 30. On a regular basis, the OCCMA Secretary-Treasurer (or designee) will verify that all applicants for membership have paid dues within thirty-days of application.

Section 3. FINANCIAL CONTROLS: All check payments shall require two signatures: that of the OCCMA Secretary-Treasurer (or designee), and the President (or the President's designee).

Section 4. AUDIT: The Association shall budget for and hire an independent auditor to review the Association's financials on a periodic basis not to exceed five years.

*Policies on League Reimbursement, Expense Reimbursement, and Proration of Dues adopted 9-28-2017; combined and amended 9-27-2018.*

## **ARTICLE 6**

### *Member Directory and Member Communications*

The Association will maintain a directory of members on the website that includes all active members of the Association. The Association newsletter and recruitment information to the Association shall be provided just prior to the start of the fiscal year to all public officials of an eligible organization who serve in a chief executive capacity. All managers new to the state shall receive a letter from the President welcoming them and providing membership information.

*Adopted 9-28-2017; Amended 9-27-2018.*

## **ARTICLE 7**

### *Coaching Program*

Section 1. PURPOSE: The purpose of the Coaching Program shall be to create an opportunity to bring together a new member or member new to Oregon, with an experienced member. The experienced member, or Coach, provides assistance, advice, counsel and support to the new member. OCCMA has an affiliation with International City Managers Association (ICMA) who will assist the member to obtain a coach. Every effort will be made to obtain a coach who is also an Oregon manager.

Section 2. ASSIGNMENT OF COACHES:

1. Register on "CoachConnect" at <https://icma.org/icma-coaching-program>. You do not need to be a member of either ICMA or OCCMA to participate.
2. You will be invited to choose a prospective coach. Once completed, the system will connect coaches and prospects by email.

Section 3. OCCMA's Role. OCCMA will support the ICMA coaching program for its members by identifying adequate numbers of coaches who are familiar with being a manager in Oregon. Coaches will be appointed by the President, prior to and announced at the annual meeting. A minimum of 3 coaches will be appointed with an emphasis on diversity.

The association will also support the program by promoting the program to its membership. A web page will be created which points members to the ICMA coaching program and the association will write an article about the program in its magazine at least annually.

*Adopted 9-28-2017; Amended 10-13-2020.*

**ARTICLE 8**

*Senior Advisor Program*

Section 1. PURPOSE:

The purpose of the Oregon Senior Advisor Program is to provide the counsel, experience and support of respected, retired managers of the profession to city, county and COG chief administrators and to their chief assistants. The program is intended to primarily help with personal and professional issues of managers and not to provide any extensive form of technical assistance nor to solve substantive problems in a local government.

Section 2. APPOINTMENT OF SENIOR ADVISOR:

A. Qualifications

1. A resident of Oregon at the time of appointment.
2. At least ten years' experience as an appointed chief administrative officer (CAO) and/or an assistant/deputy CAO in local government.
3. Recognition as a respected manager in Oregon and/or another state.
4. A willingness to participate in the program for at least nine months each year throughout the duration of the appointment.
5. A current member of OCCMA and ICMA at time of appointment and to maintain such memberships during service as Senior Advisor.
6. A commitment to follow the outline of responsibilities for Senior Advisors and the ICMA Senior Advisor Program Guidelines and Manual.
7. Have an active phone number and email address.
8. Substantially retired and/or not engaged in a business that could create a conflict of interest.

B. Appointment Process

1. When there is a vacant Senior Advisor position created by a decision of the OCCMA Board declaring a vacancy as a result of the resignation or removal of an incumbent or a decision to

increase the total number of Senior Advisor positions, notice of that vacancy will be given in the OCCMA Newsletter or by email to all members.

2. Members shall have 30 days from the date of the notice to apply for the position or recommend a candidate to the OCCMA President. Potential candidates shall submit a letter of interest and a resume to the President. The final selection process shall be determined by the Board.
3. Initial appointments shall be made jointly by the President of OCCMA, with Board concurrence, and the Executive Director of the ICMA.
4. Reappointments do not require declaration of a vacancy and may be made by the President. Senior Advisors must continue to meet the program's qualifications in order to be considered for reappointment.

C. Terms of Appointment

1. The term of an initial appointment shall be one year.
2. After the first term, the Board will conduct a review to assess whether expectations are being met. Senior Advisors must continue to meet the program's qualifications in order to be considered for reappointment. Reappointment can be made for up to two years with a review conducted at least every two years.
3. 30 days before a review the membership shall be notified and may provide comments to the President.
4. ICMA, OCCMA Board or the Senior Advisor may terminate an appointment with written notification.

Section 3. SENIOR ADVISOR RESPONSIBILITIES:

- A. Make contact by phone, email or in person with each OCCMA or ICMA member and other local government chief administrators in the Senior Advisor's assigned region within one year of appointment as a Senior Advisor. Also, make contact within one month of receipt of notice of appointment of a new manager, assistant, chief administrator or COG director.
- B. Meet with members in the assigned region as frequently as possible. Meetings may take place at the manager's office, at OCCMA events, at regional managers' meetings, or any other venue that affords the Senior Advisor an opportunity to develop meaningful rapport with the individual manager.
- C. Contact members who are in transition within five days of learning of this development and as frequently thereafter as the situation indicates to assure the awareness of continued OCCMA support.
- D. Provide confidential counseling/support to all ICMA and OCCMA members on personal and professional issues when invited to do so by the member, within a 48-hour response time, if at all possible.
- E. Offer support in a private manner directly to members who may be experiencing problems with their elected officials, staff or community groups.
- F. Attend at least one meeting or social event annually of the managers' group within the Senior Advisor's assigned area, if possible.
- G. Attend meetings of the Board, OCCMA business meetings and other OCCMA sponsored events, as time permits.

- H. Refrain from direct or indirect public criticism of any member and uphold the standards of the profession as embodied in the ICMA Code of Ethics.
- I. Provide, at least quarterly, a statement of expenses to the Secretary-Treasurer (or designee) accompanied by a chronological report of activities to the President and ICMA Senior Advisor Coordinator.
- J. Contribute information for use in the OCCMA Newsletter.
- K. Encourage participation by members in OCCMA, ICMA, LOC and AOC activities.
- L. Provide support for the Council-Manager Plan when requested.
- M. Assist in recruitment of ICMA and OCCMA members and other joint activities and programs with ICMA when requested.
- N. Keep informed about current municipal affairs by reading *PM*, the LOC and ICMA newsletters and other publications.

#### Section 4. ANNUAL BUDGET:

Each year the Board shall consult with the Senior Advisors at the November Board meeting to determine eligible expenses and approve an annual budget for the Senior Advisor Program. ICMA will provide 50% reimbursement to the Association for eligible and budgeted Senior Advisor expenses. Any changes to the budget shall be communicated to ICMA for approval by ICMA in accordance with the ICMA/OCCMA Sponsor Agreement.

#### Section 5. SENIOR ADVISOR EXPENSES:

- A. Senior Advisors shall be reimbursed for certain expenses in fulfilling the responsibilities outlined in this policy as follows:
  1. Meeting with members within their assigned region.
  2. Attending membership meetings within their assigned region.
  3. Attending meetings of the association board or general membership and association sponsored events and conferences.
  4. Attending the Northwest Regional Managers Association Conference.
  5. Attending the ICMA Annual Conference when that conference is in the ICMA West Coast Region.
  6. Other activities as specifically requested by the Senior Advisor and approved by the Board.
- B. The following expenses are eligible for reimbursement:
  1. Mileage for private automobile travel at current IRS-approved rates for in state travel for business expenses.
  2. Hotel or motel accommodations at a conference hotel for a basic room, or at an amount that does not exceed the federally established Government Service Administration lodging per-diem rates (excluding local taxes) for the locality where the event or meeting is held.
  3. Actual expenses for meals in an amount not to exceed the federally established per-diem rate for the locality in which the meal was consumed at moderate prices and at meeting events.
  4. Registration fees unless waived by the hosting organization.
  5. Long distance telephone charges, postage, miscellaneous supplies and copying costs and similar expenses incidental to performing Senior Advisor duties.



6. Coach/economy class airfare, airport parking, and ground transportation to and from the departure and destination airport, when traveling out-of-state and travel by air is least cost to the Association.
  7. Reimbursement shall not be provided for out-of-state travel (except for the Northwest Regional Managers Meeting, and the ICMA Annual Conference), unless authorized by the Board.
  8. Reimbursement for attendance at the ICMA Annual Conference is subject to having adequate funding appropriated by the Board in the Senior Advisors' budget for the purpose.
- C. In accordance with the ICMA Senior Advisors Program Manual, complimentary registrations shall be provided to Senior Advisors as follows:
1. The Association shall provide complementary registrations for the attending Association sponsored events.
  2. ICMA shall provide complementary registration for attending the ICMA Annual Conference.
- D. Procedure for Expense Reimbursement:
1. Once a quarter Senior Advisors shall send the request for expense reimbursement along with a report of activity required in Section 3 to the OCCMA Secretary-Treasurer (or designee) for the preceding quarter.
  2. The OCCMA Secretary-Treasurer (or designee) shall authorize payment for expenses incurred by the Senior Advisor(s) in conformance with this policy and shall submit, at least quarterly, a request to ICMA for 50% reimbursement.

#### Section 6. OUTSIDE ACTIVITIES:

- A. Senior Advisors may engage in part-time consulting or comparable professional activities as private entities and/or sole proprietors. They may also engage in teaching, consulting, or interim services with state agencies, quasi-public entities, local governments or regional agencies. Such part-time activities shall be in accordance with ICMA Senior Advisor Guidelines. Senior Advisors shall advise the President before accepting any consulting agreement with a local government. In no instance shall a Senior Advisor accept a consulting assignment with a community without the expressed consent of the senior ICMA or OCCMA member at the same entity.
- B. Senior Advisors may engage in interim manager positions and shall notify the President before the acceptance of any such position. Such an assignment should not detract from the Senior Advisor's attention to his/her Senior Advisor responsibilities.
- C. Retired administrators who commercially advertise as consultants are not eligible for Senior Advisor appointment. Senior Advisors may be employed by a consulting firm on a part-time basis or as an independent contractor if the focus of the work is on providing technical expertise on individual projects and there is no responsibility for soliciting business or for client development/maintenance for purposes of future business.

#### Section 7. ASSISTANCE TO LOCAL GOVERNMENT IN RECRUITMENT OF A MANAGER/ADMINISTRATOR:

- A. Senior Advisor involvement in placement work for a local jurisdiction should be the exception rather than the rule as the main focus of the Senior Advisor Program is member support and advocacy of the Council-Manager Form and other forms of professionalism in local government management. Generally, placement work is best handled by a search firm or by the jurisdiction on their own, especially in cases where there are divided governing bodies or there are complex local issues. In cases where a jurisdiction lacks resources and seeks the assistance of the Senior Advisor Program in a

placement process for the chief administrative officer, basic guidelines are presented below.

- B. Senior Advisor placement assistance to a local jurisdiction may include some or all of these items:
  - 1. Discussing the placement process with elected officials at public meetings. This includes the option for a jurisdiction to use a search firm.
  - 2. Providing information to the local governing body on the benefits of seeking an experienced public manager or assistant, preferably an ICMA member.
  - 3. Working with the local governing body on determining position requirements, KSAs (Knowledge, Skills, Abilities) and compensation.
  - 4. Working with the jurisdiction to prepare a position summary and advertisement based on local charter or code provisions.
  - 5. Review resumes and application materials and assist the local jurisdiction in developing a list of those applicants meeting the requirements set forth by the governing body. Note: if more than one Senior Advisor is involved with the application review process, the Senior Advisors should be aware of any restrictions in state law that might prohibit discussion outside the public meeting.
  - 6. Assist the local governing body in developing the interview process.
  - 7. At the request of the governing body, facilitate the selection of the finalists for interview. The local governing body is solely responsible for selection of finalists for interview purposes. This should be done in accordance with applicable state or local laws regarding open meetings.
  - 8. Assist the local governing body at the interview process but not participate in the actual interview.
  
- C. What the Senior Advisors SHOULD NOT do in a placement process are as follows:
  - 1. Perform background checks on candidates.
  - 2. Be involved in the selection of the candidate by the governing body.
  - 3. If involved with a placement project for jurisdiction, offer to serve as or accept permanent appointment as chief administrative officer.
  - 4. Be involved in negotiation of terms of employment for the selected candidate.

#### Section 8. SUPPORT FOR AND REVIEW OF SENIOR ADVISOR PROGRAM

- A. The Board shall serve as the Oversight Committee for the Senior Advisor Program and accepts by reference the ICMA Senior Advisor Program Guidelines.
  
- B. The Board shall enter into an agreement with ICMA for Joint Support of the Senior Advisor Program. In addition, the Board shall review this Statement of Policy and all aspects of the program at least every two years and shall meet with the Senior Advisors at the Spring or Summer conference to discuss the Senior Advisor Program. At least every two years there shall be a formal review and assessment of the performance of all parties in meeting their responsibilities and expectations.
  
- D. The President shall recognize the contributions of the Senior Advisor at the annual meeting of the association.

*Adopted 9-28-2017; Amended 9-27-2018.*

### **ARTICLE 9**

#### *Policy Annex Attachments*

Section 1. Article 13 "Indemnification" of the Oregon City/County Management Association Bylaws provides that a current summary of insurance coverage be included as part of the policy annex. The current certificate of coverage will suffice for this purpose. A change in insurance coverage or a new certificate of coverage, does

not constitute a change of policy with the notice requirements as outlined in Article 6, Section 6 “Promulgation of Policies” of the Bylaws.

Section 2. Article 10, Section 3 “Financial Management” provides that the agreement for administration and financial support services with the League of Oregon Cities, or other qualified providers, be included in the policy annex.

Section 3. Any multiyear agreements, memorandums of understanding, affiliate agreements, or other similar types of agreements approved by the Board of Directors shall be attached in whole or as a summary in the policy annex. The Board’s approval of these types of agreements do not constitute a policy change, in accordance with Article 6, Section 6 “Promulgation of Policies”, and can be approved by majority vote at the meeting in which the agreement is introduced.

*Adopted 9-27-2018.*

## **ARTICLE 10**

### *Managers in Transition*

Section 1. MEMBERS IN TRANSITION: OCCMA provides that active members who have resigned or been removed from a position in local government, may retain Active Membership in accordance with Article 4 Section 2 of the Bylaws subject to provisions in the bylaws.

Section 2. OCCMA CONFERENCES AND TRAINING SESSIONS: Registration fees for conferences and training sessions offered by OCCMA will be waived for active members who are in transition at the time of registration for that OCCMA conference or event.

Section 3. TRAVEL AND LODGING STIPEND: Active members in transition who are appointed to an ICMA Committee may request reimbursement of travel expenses from the Board to attend meetings on behalf of OCCMA.

Section 4. SENIOR ADVISORS: Active members in transition will be contacted by a senior advisor upon notice of separation from their employer. A senior advisor will be assigned to contact the member in transition on a monthly basis to offer advice and guidance during the transitional time.

Section 5. COUNSELING SERVICES: OCCMA will provide up to three visits to a pre-selected counseling service for managers in transition.

Section 6. REPUTATION MANAGEMENT SERVICES: OCCMA offers reputation management services to its members. OCCMA provides online reputation management services to prevent and repair threats to a manager’s online reputation. The OCCMA will provide a reduced cost of fees for these services to managers in transition.

*Adopted 10-20-2021.*

## ARTICLE 11

### *OCCMA Rules for Enforcement of the ICMA's Code of Ethics*

#### **Section 1. ICMA Code of Ethics**

The ICMA Code of Ethics (Code) define the principles that serve as the foundation for the local government management profession and set the standard for excellence. Article 11 of the OCCMA Bylaws adopts the Code which requires OCCMA members to govern their conduct in accordance with the Code and its associated guidelines, and provides that members will submit to peer review for any allegations of unethical behavior. The Board shall have the authority to take disciplinary action up to and including expulsion from the Association, against any member which, in its judgment, may be appropriate to maintain the professional standards of the Association. Disciplinary action for violations of the Code may include public censure in which notice is given to members of OCCMA, the governing body of the member's, employer and media, indicating that the Association strongly disapproves of such conduct.

- A. **OCCMA Ethics Committee.** Article 9 of the OCCMA Bylaws creates a standing Ethics Committee to assist the OCCMA Board of Directors in adjudicating ethics complaints.
- B. **Ethics Committee Membership.** the OCCMA President shall make appointments of OCCMA members to serve on the Ethics Committee. All members shall serve a term of one year.
- C. **Ethics Committee Chair.** The OCCMA President shall appoint an Association member to serve as Ethics Committee Chair. The Chair shall not be the OCCMA President or OCCMA Past-president, since both officers have specific responsibilities in reviewing ethics complaints.

#### **Section 2. Complaints Against Oregon ICMA Members**

Any complaints against members of OCCMA who are also members of the International City/County Management Association (ICMA) shall be forwarded by the OCCMA President to ICMA. Ethics complaints can also be directly submitted to ICMA. The rules of procedure for ICMA will apply to the investigation of reported violations of the Code for all ICMA members. The President of OCCMA will appoint a fact-finding committee, when requested by ICMA, to investigate any ethics complaints of OCCMA members who are also members of ICMA. OCCMA will not conduct a separate investigation of these complaints for those who are members of both organizations. OCCMA will accept sanctions as final for ethics violations made by ICMA. If ICMA issues a sanction of expulsion, permanent bar from future membership, or membership suspension, those same actions will be applied to OCCMA membership. A copy of the ICMA sanctions shall be kept by the Secretary/Treasurer of OCCMA for OCCMA members as provided by this policy.

#### **Section 3. Complaints Against OCCMA Members**

OCCMA is responsible for the investigation of ethics complaints against members of OCCMA who are not members of ICMA. The following policy outlines OCCMA's process to enforce provisions of the Code, including investigation and enforcement of any complaints and/or violations of the Code of Ethics. The OCCMA Board of Directors (Board) shall be responsible for making final decisions on matters pertaining to the enforcement of the Code of Ethics. The OCCMA Ethics Committee (Committee) shall be responsible for implementing these rules and shall have specific duties as set forth in this policy.

- A. **Timelines.** It is the intention that this policy be carried out carefully but expeditiously to minimize the time during which a member may be subject to possible disciplinary action while also ensuring the fairness of the process.

- B. **Bias and Conflicts of Interest.** No person may participate in the investigation or adjudication of a complaint brought under these Rules if that person's participation would otherwise create, or appear to create bias impacting their ability to act impartially in reviewing the complaint.
- C. **Ethics as a Foundation of Membership.** All active members of the OCCMA are subject to the Code and are subject to sanctions for any violations whereof which occur during their membership. As a condition of membership, the OCCMA membership application shall include a provision that requires OCCMA members to acknowledge and adhere to the ICMA Code of Ethics. A member may be subject to sanctions for a violation, which continues while he or she is a member even though the conduct in question originated prior to admission for membership.
- D. **Former OCCMA Members.** If a complaint is made against a person who was an OCCMA member at the time the alleged violation occurred, but who is not a member of the OCCMA at the time the complaint is made, the complaint will be processed under this policy only if the former member agrees in writing. In no event shall consideration be given for an individual's re-admission to membership in OCCMA until an outstanding and unresolved complaint against the individual for conduct while formerly an OCCMA member has been reviewed in accordance with this policy. The OCCMA shall retain jurisdiction over an investigation of a respondent who, before the conclusion of the investigation, resigns from the OCCMA or otherwise allows his or her membership to elapse.

#### **Section 4. Ethics Complaint Resolution**

- A. Complaints shall be received by the President of OCCMA, or the President-elect, if the President has a conflict of interest relating to the complaint. The form of complaint may be a written complaint or other written information, including media articles or email from any source indicating that a violation of the Code may have occurred. The complaint must be accompanied by documentation that supports the allegation of a violation of the Code. The complainant may remain anonymous to the respondent, the public, and OCCMA membership, other than those directly involved in the investigation and adjudication of the complaint.
- B. Complaint Evaluation Process. The guidelines for addressing complaints received of violations of the Code are as follows:
  1. Receipt of the Complaint. The complaint is directed to the OCCMA President. The President will determine whether the subject of the complaint (respondent) is an ICMA member or an OCCMA member.
  2. Complaints Regarding Members.
    - a) If the subject of the complaint is an ICMA member, the complaint will be forwarded to the ICMA Executive Director or designee for review by ICMA by the Committee on Professional Conduct (CPC). ICMA may request that the OCCMA President appoint a fact-finding committee to interview the member and gather public information relative to the allegations in the complaint as necessary. If a sanction is made by ICMA, then the President will be notified, and this communication will be placed in a confidential file with the Secretary/Treasurer of OCCMA in accordance with these provisions.
    - b) If the subject of a complaint is an OCCMA member who is not an ICMA member, then the President will call a meeting of the President, Past-president, and Ethics Chair to review the complaint. If the complaint demonstrates the member's conduct may have violated the Code and contains the appropriate documentation, then the complaint will proceed to the next step. If additional information is required, the Ethics Chair will request information from the complainant, and once this information is reviewed, the President, Past-president and Ethics Chair will decide that, if the alleged violation occurred, could constitute a violation of the Code of Ethics. If that determination is made, the complainant will be investigated as provided in this policy. If a determination is made that the facts in the complaint do not constitute a violation of the Code, then the President will notify the complainant of this conclusion and the matter will be closed.

3. Notification to the Respondent.

- a) The Chair of the Ethics Committee will provide written notification via registered mail marked 'Personal and Confidential' to the respondent that a complaint has been received regarding possible violations of the Code by that respondent. The notification should include:
  - The nature of the complaint, including the Code Tenets that may have been violated;
  - A copy of the complaint, if not submitted anonymously, or a summary of the complaint, if the complaint would reveal the confidentiality of the complainant;
  - The documentation submitted as the basis for the complaint;
  - A copy of the Code with guidelines;
  - A copy of the OCCMA Rules of Enforcement of the Code.
- b) The respondent will be provided 30 days to provide a response to the complaints and any questions posed by the Ethics Committee Chair. If there is no response, the complaint will proceed to subsection 6.

4. Respondent's Reply.

- a) If the respondent indicates that the facts as outlined in the complaint are correct, then the complaint will go to subsection 6 for review by the Ethics Committee.
- b) If the respondent contests the facts as provided in the complaint, then the Ethics Committee Chair will appoint a fact-finding committee of members of the Ethics Committee, or other members, including senior advisors, who will investigate and objectively review the facts of the case. The Fact-finding Committee will consist of at least three members.

5. Fact-Finding Committee Responsibilities.

- a) The Fact-finding Committee will investigate the facts surrounding the allegations in the complaint by offering to interview the member, and using the records request process and preparing a summary report for the Ethics Committee. The Fact-finding Committee members are encouraged to use non-governmental email addresses and other private communications to avoid creating public records that could be subject to a public records request and to protect the confidentiality required for this review.
- b) The Fact-finding Committee will request the OCCMA Secretary/Treasurer to review the ethics files to determine if any previous complaints have been investigated regarding the respondent. If a previous investigation has occurred, the Secretary/Treasurer will provide a copy of the materials to the Fact-finding Committee for their review.
- c) The Fact-finding Committee will contact the respondent to offer the opportunity to interview with the fact-finding committee and may contact the complainant to clarify issues relating to the complaint. The Fact-finding Committee may collect any additional information or interview other potential witnesses as to the facts surrounding the complaint. The Fact-finding Committee will be aware of maintaining the confidentiality of the complaint and investigation in their efforts to collect necessary information.
- d) The Fact-finding Committee will gather the facts of the case but will not make a recommendation regarding possible sanctions that could be imposed to address any possible violations.
- e) The Fact-finding Committee will forward their report to the Ethics Committee Chair. The Ethics Committee Chair will forward a copy of the confidential report to members of the Ethics Committee, and also provide the respondent a copy of the report. If the complaint was filed anonymously, all references that would identify the complainant will be redacted from the copy of the report forwarded to the respondent by the Ethics Committee Chair.
- f) The respondent will have 15 days to provide a written response to the Ethics Committee Chair regarding the findings of the Fact-finding Committee. This response, if provided, will be provided to the Ethics Committee as part of their review.

6. Ethics Committee Review.

- a) The Ethics Committee will meet in executive session to review the information provided by the Fact-finding Committee, the respondent's response, if provided, and the Committee will determine whether any additional information needs to be obtained. If the matter is referred back to the Fact-finding Committee, no determination will be made as to whether a violation of the Code has occurred until a following meeting is scheduled by the Ethics Committee Chair to review any additional requested information on the complaint. The Fact-finding Committee will participate in this meeting.
- b) If the Ethics Committee determines that the facts of the complaint are sufficiently clear, then the Committee will report to the OCCMA Board of Directors as to whether a violation occurred, and if a violation occurred, recommend an appropriate sanction to the OCCMA Board for consideration. The Ethics Committee Chair will prepare a written report for the OCCMA President who will schedule an executive session of the Board for review of the findings of the Ethics Committee.

7. OCCMA Board of Directors Review of Ethics Committee Report.

- a) The OCCMA Board will meet in executive session with the Ethics Committee Chair and the Fact-finding Committee to review the report from the Ethics Committee. Following the review, discussion, investigation, and recommendation from the Ethics Committee, the Board may:
  - Refer the matter back to the Ethics Committee for further information;
  - Determine that a violation of the Code did not occur to close out the complaint;
  - Determine that a violation of the Code did occur, and determine the appropriate sanctions for the violation.
- b) If the Board determines that a violation of the Code did not occur, the President will provide notice to the respondent of this finding and notice provided to the complainant indicating that this matter has been closed.
- c) If the Board determines that a violation occurred, notice will be sent to the respondent by the President of this determination. The letter will include the sanctions imposed to address the Code violations. The respondent will have 15 days in which to request a hearing of the determination of the Board. If no response is provided, then the determination previously issued stands as the final communication to the respondent. A letter will be sent to the complainant indicating the outcome of this action.
- d) If the respondent requests a hearing, then the hearing will be scheduled with an executive session for the Board, Ethics Committee Chair, and the Fact-finding Committee to meet with the respondent as provided in Section 5 'Ethics Hearings.' Following the hearing, the Board will meet to determine final action on the Ethics complaint. The President will prepare a letter to be sent to the respondent. The President will also prepare a letter to the respondent. If no violation is determined or a private censure is issued, the letter will indicate that the case was considered and resolved, and that no public action was taken. If a public censure or greater is issued, then then the letter will specify the action taken by the Board.

## Section 5. Ethics Hearings

- A. **Requested Hearings.** In the event a respondent requests a hearing, the following procedure shall govern conduct pursuant to this policy. The hearing shall be conducted by the Board, which shall be convened by the OCCMA President. The hearing shall be conducted as an executive session. Hearings may be virtual or in-person.
- B. **Hearing Notice.** Within thirty (30) calendar days of receiving a request for a hearing, the President shall notify the respondent by registered or certified mail that a hearing has been scheduled before the Board. The hearing date shall not be earlier than thirty (30) calendar days after the date the notice is postmarked. The notice shall also state that the respondent has a right:

1. To appear personally at the hearing;
  2. To be accompanied and represented at the hearing by an attorney or other representative;
  3. To review all documentary evidence, against him or her, in advance of the hearing (unless the complaint has been requested to be anonymous in which case identifying information will be redacted);
  4. To cross-examine any witness who testifies against him or her at the hearing; and
  5. To submit documentary evidence and to present testimony, including the respondent's, in his or her defense, at the hearing.
  6. The respondent may request witnesses appear at the hearing. The President will determine if the witnesses are germane to determine whether a violation of the Code has occurred.
  7. The meeting may be conducted virtually as determined by the President.
- C. **Rules of Evidence.** The Board shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability.
1. The Fact-finding Committee report shall be admissible evidence at the hearing.
  2. The Board may not hear evidence of any alleged ethics violation by the respondent that was not related to the initial investigation.
- D. **Hearing Agenda.** At any hearing conducted under these Rules, the Chair of the Ethics Committee or designee, shall first present evidence in support of the subcommittee's report and the Ethics Committee's recommendation. Upon conclusion of the presentation, the respondent shall have the opportunity to present evidence in his or her defense, and the Chair of the Ethics Committee shall have the right to question or cross-examine any witness testifying at the hearing.
- E. **Decision of the Board.** Within thirty (30) calendar days of the conclusion of the hearing, the Board shall render a decision in the case. The decision shall be in writing, communicated by the OCCMA President, and shall include a statement of the reasons therefore. Only evidence which was put before the Board and the Ethics Committee may be considered as a basis for the decision.

## Section 6. Sanctions for Code Violations

- A. **Violation Sanctions.** The Board may impose sanctions on an OCCMA member who is found to have violated the Code in accordance with these Rules. In determining the kind of sanction to be imposed, the following factors may be considered: the nature of the violation, prior violations by the same individual, the willfulness of the violations, the level of professional or public responsibility of the individual, and any other factors, which bear upon the seriousness of the violation.
- B. **Sanction Types.** The following sanctions may be imposed singularly or in combination at the end of an investigation and/or hearing under these rules:
1. Private Censure. A letter to the respondent and the complainant indicating that the respondent has been found to have violated the Code of Ethics, that the OCCMA disapproves of such conduct, and that, if it is repeated in the future, it may be cause for more serious sanctions.
  2. Public Censure. Written notification to the respondent, the complainant, ICMA, local governing bodies affected by the circumstances, and the news media, indicating that a violation of the Code took place, that the OCCMA strongly disapproves of such conduct, and the nature of the sanction(s) imposed. Notice shall also be published in the OCCMA newsletter.
  3. Expulsion. Written notification to the respondent, the complainant, ICMA, local governing bodies affected by the circumstances, and the news media indicating that the respondent's membership privileges in the OCCMA have been revoked. Notice shall also be published in the OCCMA newsletter.
  4. Membership Bar. If the respondent is no longer a member of the OCCMA, written notification to the respondent, the complainant, ICMA, local governing bodies affected by the circumstances, and the news media that the respondent has been barred from re-admission. Notice shall also be published in the OCCMA newsletter.



- C. **Criminal Conduct.** Upon receiving documented evidence that (1) a member has been found guilty of criminal conduct after trial by a judge or a jury, or the Court has accepted a guilty plea from the member, (2) the member's conduct violates the Code of Ethics, and (3) the conduct occurred while the person was a member of the OCCMA, the President may (a) ask the Ethics Committee to commence an investigation in accordance with the Initiation of Procedures section of this policy; or (b) defer consideration until the person has exhausted all legal appeals or the time for legal appeals has expired.
- D. **Oregon Government Ethics Commission (OGEC) Violations.** Upon receiving documented evidence that, (1) a member has been found guilty by the OGEC to have violated state ethics laws, (2) the member's conduct violates the Code of Ethics, and, (3) the conduct occurred while the person was a member of the OCCMA, the President may ask the Ethics Committee to commence an investigation in accordance with the Initiation of Procedures section of this policy.

## Section 7. Confidentiality

- A. **Confidentiality.** OCCMA, the Board of Directors, Ethics Committee, Fact-finding Committee, and others involved on behalf of OCCMA with the investigation and hearings shall treat all aspects of complaints, investigations, hearings, and procedures as confidential. All meetings involving the investigation, and determining sanctions, shall be held in confidential executive sessions. The issuance of a private censure will be acknowledged in the OCCMA Board of Director's minutes with a brief summary describing the action that violated the Code's tenets, provided that no names or local governments identifying other details are disclosed. This summary may be published in the OCCMA newsletter or used for ethics training purposes.
- B. **Private Censure.** Private Censure shall be kept confidential with the complainant and respondent being notified of the results as outlined in the Code's guideline on confidentiality.
- C. **Other Actions.** Public censure, expulsion, and membership ban shall be handled in accordance with Section 4 of this policy.
- D. **Association Business.** Investigations of other complaints are associated with membership in OCCMA. Communications relating to an ethics complaint shall be conducted using non-governmental email addresses and other private communications to avoid creating public records that could be subject to a public records request.

## Section 8. Use of Legal Counsel

- A. **Legal Counsel.** The Board is authorized to secure legal counsel to represent the OCCMA and, more specifically, the Ethics Committee and any subcommittees it may establish during an investigation of alleged violations against the Code of Ethics. OCCMA shall provide professional liability coverage to assist and protect the OCCMA and the participants in this process.

## Section 9. Ethics Investigation Records

- A. **Records of Investigation.** Upon conclusion of an ethics investigation, all materials will be placed in a sealed envelope or file labeled 'Confidential Ethics Investigation.' Ethics Complaints that are unfounded or result in a private censure should be sealed. The envelope or file will include the name of the respondent only, and will not indicate whether sanctions were imposed by the Board, public censures, membership bars and expulsion should be kept in a file that is subject to review. and will identify a date thirty years from the closure of the investigation or the Board's decision on an ethics matter. The Secretary/Treasurer will destroy the file after this date.
- B. **Access to Ethic Complaint Files.** Envelopes shall remain sealed unless there is a subsequent ethics complaint being investigated by the Ethics Committee of the member previously investigated. In this event, the Secretary /Treasurer will provide a copy of the contents of the envelope to the Ethics

Committee Chair. Information regarding past ethical violations will be considered when investigating the new complaint. Upon completion of the investigation, the files will be returned to the Secretary/Treasurer for inclusion in the most recent ethics violation investigation.

#### **Section 10. ICMA Ethics Decisions**

- A. **Retention of Records.** A copy of ethics sanctions imposed on OCCMA members by ICMA will be kept on file by the OCCMA Secretary/Treasurer in accordance with the provisions described in Section 9 Ethics Investigation Records.
- B. **Public Censures, Membership Bars, and Expulsion.** OCCMA members who receive a public censure or expulsion from ICMA, or non-members who receive a membership bar or expulsion from ICMA, are subject to the same sanctions by OCCMA. The OCCMA Ethics Committee will review the decision made by ICMA without conducting an independent investigation and will recommend sanctions to be imposed by the OCCMA Board of Directors. The Board of Directors will impose appropriate sanctions based on the record compiled by ICMA. The decision of the Board of Directors is final.

*Adopted 03-25-2022.*

# OREGON CITY/COUNTY MANAGEMENT ASSOCIATION POLICY

## ANNEX ATTACHMENTS

### A. Required Attachments per Bylaws:

1. ARTICLE 13 of the Bylaws: Certificate of Insurance from C.I.S.
2. ARTICLE 10 Section 3. Financial Management: Contract for Services with the League of Oregon Cities.  
Effective Date: July 1, 2021  
Termination Date: June 30, 2024.

### B. Board Agreements, Memorandum of Understandings, and Affiliate Agreements:

1. Affiliate agreements between ICMA and OCCMA:  
Effective Date: July 19, 2019  
Termination Date: Indefinite.
2. Joint support of the Senior Advisory Program with ICMA:  
Effective Date: May 9, 2018  
Termination Date: Indefinite.
3. Affiliate relation between the Alliance for Innovation and OCCMA:  
Effective Date: May 1, 2018  
Termination Date: April 30, 2019, but automatically renews unless a written notice is provided.
4. Contract between the OCCMA and the OLLG:  
Effective Date: September 1, 2021  
Termination Date: December 31, 2022
5. Contract between the OCCMA and Canopy Wellbeing:  
Effective Date: February 1, 2022  
Termination Date: February 1, 2023, but automatically renews unless written notice is provided.
6. ICMA Coaching Program:  
Effective Date: January 1, 2022  
Termination Date: December 31, 2024