

RESOLUTION - 16-04

BEFORE THE BOARD OF COMMISSIONERS OF  
SOUTHWEST LINCOLN COUNTY WATER DISTRICT

WHEREAS, ORS 264.210 provides that a domestic water supply district shall have the power to do all acts and things which may be requisite, necessary or convenient in carrying out the objects of the district for exercising the powers conferred upon it: and

WHEREAS, there is presently a need for a Oregon Ethics Law Policy,

BE IT RESOLVED, That the Board of Commissioners of Southwest Lincoln County Water District does adopt the attached Ethics Policy:

DATED this 9<sup>th</sup> day of November, 2016

A handwritten signature in black ink, appearing to read "Donald A. Zuck", written over a horizontal line.

Chairperson

A handwritten signature in blue ink, appearing to read "Amy", written over a horizontal line.

Secretary

# Oregon Ethics Law Policy

## Overview

### Oregon Government Ethics Law

- Applies to all elected and appointed officials, employees and volunteers
- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Limits gifts that an official may receive per calendar year
- Found in Oregon Revised Statutes, Chapter 244

## Purpose

The purpose of this policy is to establish ethical standards of conduct for all district public officials in accordance with Oregon Government Ethics Law as mentioned in the Powers and Duties of the Board Policy.

## Financial Gain

Each public official is prohibited from using the position as a public official to receive certain financial benefits if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. In addition, each public official is prohibited from using or attempting to use the official position to obtain financial benefits for a relative or a member of public official's household, or for a business with which the public official, a relative, or a member of the public official's household is associated.

The following is a list of financial benefits that may be received:

- Official compensation
- Reimbursement of expenses
- Honorarium
- Unsolicited awards for professional achievement
- Some gifts

## Gifts

No public official shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of that public official. A gift is defined as something of value given to a public official, for which the official does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does allow the public official to receive up to \$50 worth of gifts from each source. In addition, unlimited gifts may be accepted from a source that does not have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

## Conflict of Interest

Oregon Government Ethics law identifies and defines two types of conflicts of interest: actual and potential conflicts of interest. The difference between an actual conflict and a potential conflict of interest is determined by the words "would" and "could."

A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of that official is associated.

A public official is met with a **potential** conflict of interest when the public official participates in action that **could** affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

- **Potential Conflict of Interest:** Following the public announcement, the public official may refrain from further participation in official action on the issue that gave rise to the conflict of interest.
- **Actual Conflict of Interest:** Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest.

If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member's absence when the governing body is convened. Rather, it applies in circumstances when all member of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action.

## Useful Links

Oregon Government Ethics Commission Home Page: <http://www.oregon.gov/OGEC/>

Guide for Public Officials: [http://www.oregon.gov/OGEC/docs/Public Official Guide/2010-10 PO Guide October Final Adopted.pdf](http://www.oregon.gov/OGEC/docs/Public%20Official%20Guide/2010-10%20PO%20Guide%20October%20Final%20Adopted.pdf)

ORS 244 Ethics Statutes: <http://landru.org.state.or.us/ors/244.html>

Oregon Administrative Rules that clarify and define ORS 244 Ethics Statutes: [http://arcweb.sos.state.or.us/rules/OARS 100/OAR 199/199 tofc.html](http://arcweb.sos.state.or.us/rules/OARS100/OAR199/199%20tofc.html)

ORS 192 Public Meeting Statutes: <http://landru.leg.state.or.us/ors/192.html>

Oregon Dept. of Justice's Attorney General's Public Records and Meetings Manual:  
[http://www.doj.state.or.us/pdf/public records and meetings manual.pdf](http://www.doj.state.or.us/pdf/public%20records%20and%20meetings%20manual.pdf)