

# Government Ethics in Three Simple Rules

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**Oregon Association of Clean Water  
Agencies (ACWA) July 23, 2014**

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# Who is a Public Official?

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A “public official is any person serving the City as:

- An Elected Official;
- An Appointed Official;
- An Employee; or
- A Volunteer

# RULE 1

## DON'T USE YOUR POSITION FOR FINANCIAL GAIN

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*"Try this—I just bought a hundred shares."*

# The “BUT-FOR” Test 244.040(1)

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## **A Public Official (PO) cannot use position**

- ❑ To get \$ or to avoid losing \$
- ❑ For the PO or for a **relative** or a **member of the household**
- ❑ If that opportunity would not be available BUT FOR your position

## DOES NOT INCLUDE

- Compensation or Reimbursement
- Unsolicited awards or legal expense donations,
- GIFTS and honoraria (within limits)

# “Relative” 244.020(15)

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- ❑ Spouse
- ❑ Children of the public official or of the public official's spouse
- ❑ Brother or stepbrother of the PO or PO's Spouse
- ❑ Sister or stepsister of the PO or PO's Spouse
- ❑ Parents or stepparents of the PO or PO's Spouse
- ❑ Son-in-law or daughter-in-law of the PO or PO's Spouse
- ❑ Anyone for whom the PO has a legal support obligation or provides or receives employment benefits

# RULE 2

“GIFTS” ARE LIMITED to  
\$50 per year  
per giver



## “Gift” 244.020(5)

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- Something of economic value
- Given to public official, the PO's relative or member of the PO's household
- Without receiving value back and
- **NOT** given to the general public on the same terms

# The GIFT RULE:

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- ❑ You (your relative or a member of household)
- ❑ Cannot ask for, receive, or give
- ❑ Or even hint at getting/giving)
- ❑ Gifts over \$50 from any single source in one year
- ❑ IF your source has an interest in your official actions: i.e., a decision or vote



# A Gift is **Not** Limited if it is:

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- ❑ Campaign Contribution
- ❑ Present from relatives or household members
- ❑ Unsolicited award/token of appreciation with resale value <\$25
- ❑ Discounted registration at professional education event
- ❑ Informational material related to your official duties

# A Gift is **NOT** Limited if it is:

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- ❑ Part of a customary private business practice and not related to your public office
- ❑ Incidental food, beverage, and entertainment
- ❑ Food, beverage, and entertainment when acting in official capacity, representing the city

# RULE 3

DECLARE  
CONFLICTS  
OF  
INTEREST



# “Actual Conflict” (WILL HAPPEN)

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- ❑ An action, decision, or recommendation
- ❑ By a public official
- ❑ Resulting \$ to public official or
- ❑ Resulting in \$ detriment to public official
- ❑ Or relative
- ❑ Or any **business associated with public official** or relative

# “Potential Conflict” (COULD HAPPEN)

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See definition of “actual” conflict,  
but the financial benefit *may or  
could* happen in the future.

# “Business with which Person is Associated”

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- ❑ Any private business in which you or a relative are an owner, director, officer, or employee or in which you or a relative has \$1,000+ worth of interest
- ❑ Any publicly held corporation in which you or a relative has \$100,000 of interest or you or a relative is an officer/director
- ❑ A government entity is not a business

# “Business with which Person is Associated”

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- OR if you file a Statement of Economic Interest, if more than 10% of your total annual household income comes from the business

# Conflicts of Interest – Unelected Personnel

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- ❑ **Notify** your supervisor of the conflict in writing
  
- ❑ **Request** instruction
  
- ❑ Supervisor may:
  - ❑ Ask someone else to deal with the issue
  - ❑ Direct you to deal with the issue



# Conflicts of Interest – Electeds (BOTH actual and potential)

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## When in Doubt: Shout it Out!

- ❑ State the nature of your conflict
- ❑ Do it before voting or discussing the matter
- ❑ Do it on the record
- ❑ Do it each meeting issue is discussed
- ❑ You may send it to the OGEC

# Actual Conflict **ONLY** - Electeds

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- When in Doubt, Shout It Out...and then Shut It Up.
- Same rules as Potential Conflict, but **NO** talking AND **NO** voting...
- UNLESS the public entity cannot act without you (but still no talking)

# It is **NOT** a conflict if the financial benefit happens because of:

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- ❑ Membership in a class (any large, distinguishable group of citizens that the Commission determines is a class)
- ❑ Membership in a non-profit (501(c) status)

# Conflicts of Interest and Nepotism Rules: ORS 244.175 – 244.179

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## ❑ **HIRING FAMILY? THINK CONFLICT!**

A PO may not appoint, employ, promote, discharge, fire, or demote a relative or member of household unless the PO follows the conflict of interest rules, and the PO may not discuss the employment action.

## ❑ **YOU'RE NOT THE BOSS OF ME.**

A PO may not directly supervise a relative or member of the PO's household (BUT the public entity may adopt policies allowing for direct supervision.)

# Outside Employment Conflicts – ORS 244.047

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- ❑ A public official may not leave his or her government employer and directly benefit from a public contract authorized by the public official for two years from the date the contract was authorized.

# Other Ethics Obligations

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- Remember, you may also have to meet professional ethics standards
  - Lawyers
  - Planners
  - Engineers

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THE END!