

North Unit Irrigation District  
Jefferson County, Oregon

RESOLUTION No. 2016-04

A RESOLUTION ADOPTING DISTRICT COMPLIANCE  
WITH OREGON ETHICS LAW

FINDINGS:

WHEREAS, compliance with Oregon's Government Ethics Law set out in Oregon Revised Statutes, Chapter 244 is required by all Oregon special districts.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS:

- That the district shall comply with the provisions of Oregon's Government Ethics Law, and with the instructions and requirements of the Oregon Government Ethics Commission, in accordance with Oregon Revised Statute, Chapter 244.
- That the district board of directors hereby adopts the attached Oregon Ethics Law Policy.

EFFECTIVE DATE:

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION BY THE BOARD OF DIRECTORS.

ADOPTED BY THE BOARD OF DIRECTORS AT A REGULAR MEETING HELD ON THE 12<sup>th</sup> DAY OF APRIL 2016, BY THE FOLLOWING VOTES.

AYES: 5  
NAYS: 0  
ABSENT: 0

  
MARTIN RICHARDS  
Chairman

ATTEST:  
  
MICHAEL BRITTON  
Secretary-Manager

## North Unit Irrigation District 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.

### 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 the 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. These include:

- 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 conflict of interest and potential conflict of interest.

The difference between an actual conflict of interest 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 the 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:

Public Employees:

Public officials in public bodies who are appointed, employed or volunteer must provide a written notice to the person who appointed or employed them. The notice must describe the nature of the conflict of interest with which they are met.

Elected Officials or Appointed Members of Boards:

These public officials must publicly announce the nature of the conflict of interest before participating in any official action on the issue giving rise to the conflict of interest.

- Potential Conflict of Interest: Following the public announcement, the public official may participate 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 members 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.