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# ADVISORY GROUP NEW MEMBER ONBOARDING

GOVERNMENT ETHICS  
PUBLIC RECORDS  
PUBLIC MEETINGS  
POLITICAL ACTIVITY

COURTNEY LORDS  
SENIOR COUNTY ATTORNEY

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## OVERVIEW

- Rules and personal responsibilities associated with government service
  - Government ethics
  - Public records
  - Public meetings
  - Political activity when acting in official capacity
- These rules are generally intended to ensure transparency and accountability
- This is the starting point, not the ending point, of your learning about these topics → the goal is for you to be able to spot issues as they arise



# GOVERNMENT ETHICS



## PUBLIC OFFICIALS

- For purposes of Oregon's ethics laws and the County's ethics rules, you are now public officials
- The ethics laws and rules apply:
  - As long as you serve in this role
  - Even when you are not in an Advisory Group meeting or performing Advisory Group duties



## OVERARCHING PRINCIPLE

**You cannot use your role as a public official to gain financial benefit or avoid financial harm.\***

*\*That may include a financial benefit or avoidance of financial harm for relatives, members of your household, or a business with which you or a relative or member of your household is associated*

## USE OF OFFICE

*APPLIES TO YOU, RELATIVES, MEMBERS OF YOUR HOUSEHOLD, OR A BUSINESS WITH WHICH ANY OF YOU ARE ASSOCIATED*

### Rule:

Cannot use or attempt to use your position in the Advisory Group to obtain a financial benefit, or avoid a financial detriment, where that benefit or avoidance of detriment would not be available but for your position in the Advisory Group\*

*\*Many exceptions exist*

## USE OF OFFICE

### EXAMPLES

- Use of County equipment or facilities for personal purposes
- Use of information only available to Advisory Group
- Use of job title to obtain discounts or other benefits

### EXCEPTIONS\*

- Reimbursement of expenses
  - Awards for Professional Achievement
  - “Gifts” and items that do not qualify as regulated gifts
- \*These are other exceptions, but they are unlikely to apply to you.

## WHEN IN DOUBT, ASK YOURSELF:



Would I have this opportunity if I  
was NOT a public official?



## GIFTS

*APPLIES TO YOU,  
RELATIVES, AND  
MEMBERS OF YOUR HOUSEHOLD*

### County Rule:

Cannot accept a gift with an aggregate value over \$50 in a calendar year from a single source with a legislative or administrative interest in the County's business\*

*\*Many exceptions exist*

# GIFTS

## GIFT

- Something of economic value
- Given to a public official *or* a relative *or* member of the household of the public official
- Without cost, at a discount, or as forgiven debt
- Not available to the general public on the same terms

## LEGISLATIVE OR ADMINISTRATIVE INTEREST

- Economic interest
- Distinct from that of the public
- In a matter subject to the decision or vote of a public official acting in that capacity

Legislative or administrative interest → under \$50 per source per calendar year

No legislative or administrative interest → no limit

## GIFTS - EXCEPTIONS

There are a lot!

Some of the most relevant include:

- Gifts from **relatives** or members of your **household**
- **Usual and customary practice** of business, employment, volunteer position if gift bears no relation to your position on the Task Force
- **Admission, food, or beverage** at an event when representing the government
- Food or beverage **incidental** to event, no admission charged
- **Token, plaque, trophy** with resale value under \$25
- **And remember** – if the source has **no legislative or administrative interest**, you can accept the gift



# CONFLICTS OF INTEREST

*APPLIES TO YOU,  
RELATIVES, AND  
BUSINESSES WITH WHICH YOU OR YOUR  
RELATIVES ARE ASSOCIATED*

## Rule:

- (1) A conflict of interest arises when your action or decision or recommendation **would** or **could** have the effect of private financial gain or loss
- (2) If you have a conflict of interest:
  - ❖ You must announce publicly the nature of the conflict **before** any action is taken.
  - ❖ Depending on the type of conflict, you may not be able to participate as a public official in discussion or vote on the issue.

# CONFLICTS OF INTEREST - DEFINITIONS

## Potential Conflict

- Any action or any decision or recommendation;
- the effect of which could be to the private **pecuniary** benefit or detriment;
- of the person **or** the person's relative, **or** a business with which the person or the person's relative is associated.

## Actual Conflict

- Any action or any decision or recommendation;
- the effect of which would be to the private **pecuniary** benefit or detriment;
- of the person **or** the person's relative **or** any business with which the person or a relative of the person is associated.

**Exception:** benefit or detriment “would affect to the same degree” a class (industry, occupation or other group) → **narrowly** defined by the OGEC.

# CONFLICTS OF INTEREST - HOW TO HANDLE

## Potential Conflict: Announce & Participate

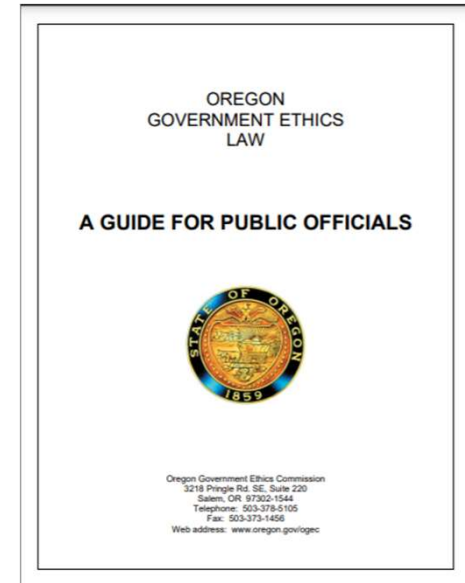
- Announce **publicly** the nature of the potential conflict **before** any action is taken
  - Must be specific – “I have a potential conflict **because...**”
  - Must announce at each meeting where the issue arises
- **Can** participate in discussion or debate on the issue
- **Can** vote on the issue

## Actual Conflict: Announce & Abstain

- Announce **publicly** the nature of the actual conflict **before** any action is taken
  - Must be specific – “I have an actual conflict **because...**”
  - Must announce at each meeting where the issue arises
- **Cannot** participate as a public official in any discussion or debate on the issue
- **Cannot** vote on the issue
  - **Unless** all members are present **and** the number of members who must refrain due to actual conflicts make it impossible to take action [must announce and **cannot participate in discussion**]

## ETHICS RESOURCES

- County Attorney via Staff Contact for County Rules
- Oregon Government Ethics Commission for State Law
  - Training/Education -  
<https://www.oregon.gov/ogec/training/pages/default.aspx>
  - Summary of rules in “A Guide for Public Officials”
  - OGEC Phone: 503-378-5105 → Will advise on *prospective* actions only





# PUBLIC RECORDS

CREATION, INSPECTION, AND RETENTION





## PUBLIC RECORDS

### INSPECTION

Public has a right to inspect public records, unless an exemption applies

### RETENTION

County (including Advisory Group members) must retain records in a retrievable manner for set period of time

## PUBLIC RECORDS - YOUR RESPONSIBILITY

### WHAT QUALIFIES?

- Any writing, in any form
- Relating to the conduct of the County's business
- Prepared, owned, used or retained by a public body
- *Examples:* email, notes, calendar entries, text messages, video recording

### QUALIFIES AS A PUBLIC RECORD EVEN IF:

- Not physically at the County
- On your personal device
- In your personal email

**NOTE:** It is a crime to knowingly destroy, conceal or falsely alter a public record. ORS 162.305(1).

***When in doubt, assume something is a public record that must be retained.***  
**At the end of your service, continue to retain for the retention period, or turn over all records to staff.**



# PUBLIC MEETINGS



## PUBLIC MEETINGS

### **RULE:**

A quorum of the Advisory Group cannot meet in private to decide on or deliberate toward a decision.

*Could include conference calls, emails, text messages, or any other way of communicating*

# PUBLIC MEETINGS

## Requirements for a public meeting:

- Notice: time, date, place, agenda, contact information to access communication aids
- Location
- Accessibility
- Public Attendance (not necessarily participation)
- Public voting
- Minutes



# POLITICAL ACTIVITY

ORS 260.432



## POLITICAL ACTIVITY

### RULE:

When acting in your **official capacity**, you may not **promote or oppose**, or direct a public employee to promote or oppose, any **political committee, initiative, referral, referendum, recall petition, measure, or candidate**.

Resource: Oregon Secretary of State, *Restrictions on Campaigning by Public Employees – ORS 260.432*  
(available at: <https://sos.oregon.gov/elections/Documents/restrictions.pdf>)

# POLITICAL ACTIVITY

## Official Capacity

- At an Advisory Group meeting
- Working on a duty assigned by the Advisory Group, including official publications
- Appearing at an event in an official capacity

## Timing

- Initiative, referendum, recall: when prospective petition is filed (before signatures are gathered)
- Referral: when measure is certified to the ballot
- Candidate: as soon as a candidate under state law → raising money for office, even if office unknown
- Political committee: whenever active



## RECAP

1. You are a public official.
2. You cannot use your role as a public official to gain financial benefit or avoid financial harm.
3. You cannot accept a gift with an aggregate value over \$50 in a calendar year from a single source with a legislative or administrative interest in the County's business.
4. A conflict of interest arises when your action or decision or recommendation *would* or *could* have the effect of private financial gain or loss.
  - a. Potential Conflict: Announce & Participate
  - b. Actual Conflict: Announce & Abstain
5. A public record is any writing, in any form that relates to the County's business and is prepared, owned, used or retained by a public body - must be retained!
6. A public meeting must be noticed and is the convening of any governing body for which a quorum is required to make a decision or deliberate toward a decision. When acting in your official capacity, you may not promote or oppose, or direct a public employee to promote or oppose, any political committee, initiative, referral, referendum, recall petition, measure, or candidate.

## RESOURCES

- County Attorney's Office via Staff Contact
- Oregon Government Ethics Commission:  
<https://www.oregon.gov/ogec/Pages/default.aspx>
- Oregon Attorney General's Public Records and Meetings Manual 2019:  
<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>
- Oregon Secretary of State *Restrictions on Campaigning by Public Employees – ORS 260.432*: <https://sos.oregon.gov/elections/Documents/restrictions.pdf>