

May 26, 1999

Joyce C. Williams  
2420 South Edgewood  
Seaside, Oregon 97138

Dear Ms. Williams:

This letter is in response to your correspondence dated May 15, 1999 concerning a city budget committee member whose spouse has been appointed to the city council.

**OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION STAFF OPINION  
NO. 99S-015**

**STATED FACTS:** The spouse of a long term city budget committee member is now a member of the city council. By virtue of the city councilor's position on the city council the city councilor is also a member of the city budget committee.

**RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the issues addressed herein:

ORS 244.020(1): Actual conflict of interest means any action or any decision or recommendation by a person acting in a capacity as a public official, 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 unless the pecuniary benefit or detriment arises out of circumstances described in subsection (7) of this section.

ORS 244.020(15): Public official means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

Joyce C. Williams  
May 26, 1999  
Page two

ORS 244.040: Code of ethics; prohibited actions; honoraria. The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120.

(1)(a) No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated.

QUESTION: Is it a violation of Government Standards and Practices laws for the spouse of a city budget committee to serve on the city council which automatically makes the councilor also a member of the budget committee?

OPINION: No. Government Standards and Practices laws pertain to public officials who use their official position or office for the personal financial gain of the public official, a relative of the public official or a business with which the public official or a relative of the public official is associated. These laws also pertain to conflicts of interest which financially impact the public official, a relative of the public official or a business with which the public official or a relative of the public official is associated. It is not uncommon for a husband and wife to be members of the same city council nor is it uncommon for one spouse to be a member of a city council and the other spouse to be a city employee. Government Standards and Practices laws would not be violated unless one spouse were to take official action which could or would financially impact the other spouse.

The stated facts do not indicate that the budget committee member or the city councilor took official action that could or would have had a financial impact on the other. Because councilors and budget committee members serve as uncompensated volunteers, the possibility of this occurring appears very remote.

Joyce C. Williams  
May 26, 1999  
Page three

**THIS RESPONSE ADDRESSES ONLY THE APPLICATION OF ORS CHAPTER 244 TO THE FACTS STATED HEREIN. OTHER LAWS OR REQUIREMENTS MAY ALSO APPLY. THIS IS NOT A FORMAL ADVISORY OPINION PURSUANT TO ORS CHAPTER 244.280. IT IS MY PERSONAL ASSESSMENT AS THE EXECUTIVE DIRECTOR OF THE OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION.**

Please do not hesitate to call or write again if you have other questions or desire additional clarification.

Sincerely,

L. Patrick Hearn  
Executive Director

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