



Oregon

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Oregon Watershed Enhancement Board

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MEMORANDUM

TO: Oregon Watershed Enhancement Board

FROM: Meta Loftsgaarden, Executive Director
Eric Hartstein, Senior Policy Coordinator

**SUBJECT: Agenda Item C: Conflicts of Interest-Oregon Government Ethics
Commission Guidance
July 28-29, 2015 OWEB Board Meeting**



I. Introduction

This staff report provides a review of conflicts of interest for public officials under Oregon Government Ethics law. OWEB Board members are considered public officials under Oregon law and must comply with statutes and rules governing ethics. The Oregon Government Ethics Commission provides guidance to public officials with regard to conflicts of interest. OWEB periodically reviews guidance on conflicts of interest to ensure that Board actions are in accordance with this guidance.

II. Conflicts of Interest

There are two types of conflicts of interests defined by Oregon Government Ethics law: 1) actual conflicts of interest and 2) potential conflicts of interest. An “actual conflict of interest” is any action, decision, or recommendation made by a Board member that would financially benefit the Board member, the Board member’s relative, or business that the Board member or Board member’s relative is associated. A “potential conflict of interest” is any action, decision, or recommendation made by a Board member that could financially benefit the Board member, the Board member’s relative, or business that the Board member or Board member’s relative is associated.

Under Oregon Government Ethics law, a business includes nonprofit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code. However under the law, conflicts of interests arise only for paid employment with nonprofit corporations. If an OWEB Board member is also an unpaid board member of a nonprofit corporation, the Board member would be exempt from the requirement to announce a conflict of interest when considering items before the Board related to the nonprofit corporation.

If a Board member is faced with an actual or potential conflict of interest, the Board member must announce or disclose the nature of a conflict of interest. Following the public announcement of a potential conflict of interest, the Board member may participate in actions on the issue that brought up the conflict of interest. Following the public announcement of an actual conflict of interest, the Board member must refrain from any discussion or debate on the issue that gave rise to the conflict of interest.

In the unusual circumstance where all voting Board members are present and multiple actual conflicts of interest amongst Board members would prevent the Board from taking official action due to quorum requirements, the Board members declaring actual conflicts of interest may vote. However, the Board members declaring actual conflicts of interest may not participate in the discussion leading to the vote.

III. Recommendation

This is an information item, no action is required.