



CITY OF BEND

M E M O R A N D U M

To: Juniper Ridge Management Advisory Board

From: Mary Alice Winters, City Attorney

Subject: Conflicts of Interest for Public Officials for City Committees, Boards and Commissions (Permanent, Temporary, Ad Hoc)

Date: June 17, 2019

Although you serve on this advisory committee, board or commission as a volunteer, you are a member of a governing body providing recommendation(s) to the City Council and the Bend Urban Renewal Agency (BURA). You are therefore a public official, subject to the conflict of interest laws. The Bend Municipal Code states that board, commission and committee members appointed by the City are considered “public officials” subject to State Ethics Law. BMC Section 1.20.015(E). These rules are in place to protect you as an appointed member of a public body, participating in official action. The rules distinguish between **actual and potential conflicts of interest**. Because you are making recommendations only, any conflicts will be **potential** conflicts, and only need to be publicly announced prior to taking action and you can continue participating in discussions and decision-making.

Decisions of the committee cannot be invalidated for failing to disclose a conflict but if a complaint is made to the Ethics Commission and upheld, you could face sanctions, including a letter of reprimand or a personal civil fine of a maximum of \$5,000 for each violation. By disclosing the nature of the conflict and having it reflected in the public record (the minutes) of the public body, you are protected.

A potential conflict is one that could result in a financial benefit or detriment to you, a spouse, child, parent, or other relative, or client, or a business with which you or the family member or client, are associated. A non-profit is not a business, nor is a government agency, for purposes of the rules about potential conflicts.

If you believe a decision that is before the committee could have a direct financial effect on you, your business, or that of a family member or client, you should announce that conflict each time before taking part in discussion or a vote on that issue.

We are not concerned with financial benefit or detriment that is merely speculative, or very distant from the committee recommendation – it is more if the recommendation could directly impact you or the other parties mentioned.

As a general rule, if you have the same interest as all residents (for example, if a county commissioner voted to approve a road that leads to property the commissioner owns but would affect benefit many property owners to the same degree), you do not need to declare a conflict, because the official would be exempt from the conflict of interest and participation restriction. The number of persons affected to the same degree as the public official will help to determine whether this identifiable “class” exemption applies.

For more information please see the Oregon Government Ethics Law Guide for Public Officials, especially pages 21-24, which can be found on the Oregon Government Ethics website: <http://www.oregon.gov/ogec/Pages/index.aspx> Ethics commission staff are available to provide informal telephone advice, or written opinions if needed, to help with compliance. The website also has the contact information for Ethics Commission staff.

The ethics rules apply to the person or official as an individual. However, the City Attorney’s office is also here to help you, so if you have a question about a particular association of yours, or want to know if you should declare a conflict at any time throughout this process, feel free to contact any of the attorneys. We can discuss the concern with you, or call the ethics commission with or for you.

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