



Oregon

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Government Ethics Commission

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Jeff Towery
Assistant City Manager
City of Springfield
225 Fifth Street
Springfield, OR 97477

Dear Mr. Towery:

Thank you for your inquiry to the Oregon Government Ethics Commission about announcing conflicts of interest at Glenwood Citizen Advisory Committee (GCAC) meetings. In your letter dated March 29, 2011, you asked how the provision in ORS 244.120(3), which specifies that public officials are not required to “announce a conflict of interest more than once on the occasion which the matter out of which the conflict of interest arises is discussed or debated”, might apply to the GCAC meeting proceedings. This response offers some guidance on the current application of Oregon Government Ethics law in relation to publicly announcing conflicts of interest.

The information provided in your inquiry indicated that the Glenwood Citizen Advisory Committee is composed of stakeholders who are providing citizen input in an advisory capacity on a large planning project for 500 acres of land between Eugene and Springfield. The members of the GCAC are public officials as defined in ORS 244.020(14), and as such, the provisions of Oregon government ethics law in ORS 244 would apply to them.

ORS 244.120 addresses conflicts of interest. There are two types of conflicts of interest, actual and potential. The difference between an actual conflict of interest [ORS 244.020(1)] and a potential conflict of interest [ORS 244.020(12)] is determined by the words “would” and “could.” An actual conflict of interest occurs when the action taken by a public official would affect the financial interests of the public official, the public official’s relative or any business with which the public official or a relative are associated. A potential conflict of interest exists when the action taken by the public official could have a financial impact on the public official, the public official’s relative or any business with which the public official or a relative are associated.

You correctly determined that members of the Glenwood Citizen Advisory Committee could encounter potential conflicts of interest, but not actual conflicts of interest, because the Committee’s role is limited to an advisory capacity only. An actual conflict of interest would



not occur because there would be no certain or specific financial impact from a non-binding recommendation.

ORS 244.120(2)(a) requires elected public officials and public officials appointed to commissions to, "when met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon". Public officials may act in compliance with statute by announcing the conflict of interest once on each occasion that the topic which presents the conflict of interest is discussed. [ORS 244.120(3)]

The Commission has interpreted "each occasion" to mean each meeting during which a conflict of interest is encountered. If a public official has publically announced the specific nature of a conflict of interest during a particular meeting, and then the discussion moves on to other topics, and then later in the same meeting the same topic which presents the conflict of interest is brought up for discussion again, the announcement previously given in that meeting would suffice, and the public official would not need to give another announcement of that conflict during the same meeting.

However, if discussion moved on to another topic which also presents a conflict of interest for the public official, the public official would need to publicly announce the nature of the new conflict of interest before taking part in that discussion or debate. Each topic that presents a potential conflict of interest needs to be publicly announced prior to the public official who has the conflict of interest taking any action as a public official, but each topic only needs to be announced once at each meeting.

Public officials may choose how to announce multiple potential conflicts of interest. They may choose to announce them one by one as the topics are raised during the meeting, or they may elect to announce several possible topics of discussion at the beginning of the meeting. Statute does not dictate the method of announcing conflicts of interest. It only requires public officials to publicly announce the specific nature of a potential conflict of interest prior to the public official taking any official action on that topic.

I hope you find this guidance useful. If you have any additional questions regarding the application of Oregon Government Ethics law or should you need further clarification, please feel free to contact me directly.

Sincerely,



Ronald A. Bersin
Executive Director

*****DISCLAIMER*****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request