

Columbia River Gorge Commission

Chapter 350

Division 14

Conflict of Interest

Amended July 21, 1998

Amended October 8, 2002

Amendments effective December 2, 2002

350-14-001. Definitions for 350-14-001 to 350-14-005.

As used in these rules, unless the context requires otherwise:

(1) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person. "Assist" does not include referring another person to other persons or sources of advice and information, and other non-substantive advice or assistance.

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(3) "Business with which the person is associated" means any business of which the person or a member of the person's household is a director, officer, owner or employee, or any corporation in which the person or a member of the person's household owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(4) "Potential 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 a member of the person's household, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of a state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged.

(5) "Gift" means something of economic value given to a public official or member of the official's household without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials on the same terms and conditions; and something of economic value given to a public official or member of the official's household for valuable consideration less than that required from others who are not public officials. However, "gift" does not mean:

- (a) Campaign contributions.
- (b) Gifts from relatives.
- (c) The giving or receiving of food, lodging and travel when participating in an event which bears a relationship to the public official's office and when appearing in an official capacity.

(6) "Honoraria" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event at which the public official appears in an official capacity.

(7) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

(8) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the vote of a person acting in the capacity of a public official.

(9) "Member of household" means the spouse of the public official and any children of either who reside with the public official.

(10) "Public official" means any person who is serving in a governmental capacity for the Columbia River Gorge Commission as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

(11)(a) "Transaction involving the Commission" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that a current or former public official, as defined in this division, believes, or has reason to believe:

- (i) Is, or will be, the subject of Commission action; or
- (ii) Is one to which the Commission is or will be a party; or
- (iii) Is one in which the Commission has a direct and substantial proprietary interest.

(b) "Transaction involving the Commission" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a

budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the Commission that is the basis for the claim, case, or lawsuit.

350-14-002. Application.

Nothing in these rules is intended to affect:

(1) Any other statute or rule requiring disclosure of economic interest by a public official or public employee.

(2) Any statute or rule prohibiting or authorizing specific conduct on the part of any public official or public employee.

350-14-003. Code of Ethics.

The following actions are prohibited regardless of whether potential conflicts of interest are announced or disclosed pursuant to 350-14-004:

(1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official or a member of the household of the public official is associated.

(2) No public official or candidate for office or a member of the household of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has any official position or over which the official exercises any authority.

(3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(4) No public official shall further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

(5) No person shall offer during any calendar year any gifts to any public official or candidate therefore or a member of the household of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has any official position or over which the official exercises any authority.

(6)(a) Except in the course of official duties or incident to official duties, a public official, as defined in this division, may not assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the Commission:

- (1) In which the public official has at any time participated; or
- (2) If the transaction involving the Commission is or has been under the official responsibility of the public official within a period of two years preceding such assistance.

(b) No public official may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (a) or (c) of this section.

(c) A business entity of which a public official is a partner, managing officer, or employee shall not assist another person in a transaction involving the Commission if the public official is prohibited from doing so by subsection (a) of this section.

(d) This chapter does not prevent a public official from assisting, in a transaction involving the Commission:

- (1) The public official's parent, spouse, or child, or a child thereof for whom the public official is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the public official did not participate in the transaction; or
- (2) Another employee involved in disciplinary or other personnel administration proceedings.

350-14-004. Declaration of Potential Conflicts - Methods of handling potential conflicts.

(1) When met with a potential conflict of interest, a public official shall:

(a) If the public official is an appointed public official serving on the commission, announce publicly the nature of the potential conflict prior to taking any official action thereon.

(b) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the potential conflict, and request that the appointing authority dispose of the matter giving rise to the potential conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(2) Nothing in subsection (1) of this section requires any public official to announce a potential conflict of interest more than once on the occasion which the matter out of which the potential conflict arises is discussed or debated.

(3) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.

350-14-005. Recording of notice of potential conflict; effect of failure to disclose conflict.

(1) When a public official gives notice of potential conflict of interest, the potential conflict shall be record in the official records of the public body.

(2) No decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed shall be voided by any court solely by reason of the failure of the public official to disclose a conflict of interest.