

Policy 1-10	Board Member Conflict of Interest	Created: 10/2/2019 Approved: 10/10/2019
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I. Purpose

The purpose of this policy is to ensure that the Board of Directors of the Jackson County Library District (“JCLD” or “District”) adheres to the highest ethical standards in the conduct of District business, as set forth in Chapter 244 of the Oregon Revised Statutes (ORS).

II. Board Members are “Public Officials”

According to the Oregon Government Ethics Law (ORS 244.020), persons elected or appointed to a governing body of a public body are considered to be “public officials,” irrespective of whether the person is compensated for the services. Consequently, any person who is elected or appointed to serve on the Jackson County Library District Board of Directors is considered a “public official” for purposes of ORS Chapter 244.

III. Oregon Government Ethics Law: A Guide for Public Officials

The Oregon Government Ethics Commission publishes and updates a guide for public officials that helps to explain in understandable terms the requirements of Oregon Government Ethics law and the Oregon Government Ethics Commission’s interpretation of those requirements. The Guide for Public Officials and any related legislative updates are available online at [State of Oregon: Oregon Government Ethics Commission](#).

IV. Relatives of Public Officials

Oregon Government Ethics law also applies to relatives of public officials including a spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, daughter-in-law of the public official, or of the public official’s spouse. Any individual for whom the public official has a legal support obligation, or who benefits financially from the public official’s employment with the public entity is also covered by the law.

V. Financial Gain

A public official shall not use their official position to obtain financial gain or avoid financial detriment that would not otherwise be available *but for* the public official’s position (ORS Chapter 244). This provision applies to the public official, a relative of the public official, or a business owned by the public official or the public official’s relative. There are exceptions to the “but for” test, including reimbursement of expenses; an honorarium, certificate, plaque, commemorative token or other item with a value of \$50 or less; and food, beverage, travel or lodging expenses otherwise authorized by ethics laws.

VI. Gifts

A public official (or a relative, or a business of the public official) may not receive a gift valued at greater than \$50 from any one source in a calendar year from any individual or organization with a legislative or administrative interest in the public body, i.e., that does business with or that wishes to do business with the Library District.

- A. A “gift” is “something given to a public official, or a relative of the public official, when there is no payment, or payment is for a discounted price, and the opportunity (gift) is not available to others who are not public officials on the same terms or conditions.”
- B. “Legislative or administrative interest” means an economic interest, distinct from that of the general public.

VII. Confidential Information

Board Members shall not use or attempt to use confidential information gained through their positions as public officials for financial gain.

- A. “**Confidential information**” is any information that is not generally available to the public. The obligation to keep such information confidential shall continue after the cessation of a Board Member’s term on the JCLD Board of Directors.

VIII. Conflicts of Interest

ORS Chapter 244 identifies and defines two types of conflicts of interest: An **actual** conflict of interest and a **potential** conflict of interest. A public official is met with a conflict of interest when participating in official action which could or would result in a **financial** benefit or detriment to the public official, a relative of the public official or a business with which either is associated.

- A. **Actual Conflict of Interest**
An actual conflict of interest exists when the public official participates in action that **will result in financial gain or avoidance of financial detriment** for the official, the official’s relative or a business with which the official or a relative of the official is associated.
- B. **Potential Conflict of Interest**
A potential conflict of interest exists when the public official participates in action that **could result in financial gain or avoidance of financial detriment** for the official, a relative of that official or a business with which the official or the relative of that official is associated.
- C. **Disclosure of Conflicts of Interest**

Before participating in any official action of the Board, a Board Member shall disclose for the record any *actual or potential* conflict of interest.

In the event of an *actual* conflict of interest, the Board Member:

- Shall abstain from any discussion.
- Shall not vote (unless action cannot be taken without Member's vote)

In the event of a *potential* conflict of interest, the Board Member:

- May discuss the matter.
- May vote on the matter.

D. Evaluation of Potential Conflict of Interest

The Board President shall review the information relating to any potential conflict of interest and shall take one of the following actions as they deem appropriate:

- Finding that no conflict or potential conflict exists;
- Finding that a conflict or potential conflict exists and that the situation resulting in such conflict should cease or not be permitted to proceed; or
- Referring the actual or potential conflict of interest to legal counsel for consideration.

In all cases, the decision and/or recommendation shall be recorded in the meeting minutes.

IX. Interpretation

Since this policy cannot describe all potential conflicts of interest or ethical issues that may arise, and its application may be uncertain at times, Board Members are encouraged to consult the Board President or Library Director if they have any questions as to the applicability of this Policy to a particular situation.

X. Statement of Associations

To preserve and uphold the Jackson County Library District’s reputation as an organization that operates with integrity, each Board Member will sign a conflict of interest statement and an ethics statement at the beginning of each fiscal year (and at the commencement of their service) during their tenure with the Jackson County Library District.

This is to certify that, as a Board Member of the Jackson County Library District:

- I have received a copy of the District’s Conflict of Interest Policy for Board Members.
- I have read and understand the Policy.
- I agree to comply with the provisions of the Policy.
- I shall promptly inform the Board President if I or any member of my family has, or reasonably expects to have, now or in the future, any interests or affiliations that could be construed as creating a conflict or the appearance of a conflict with the interests of the District.
- I shall not vote on, approve or recommend any transaction in which I or any member of my family has an actual conflict of interest. If I am present at a meeting of the Board, I shall not participate in any discussion or vote relating to such matter.

Any exceptions to the above are stated on the reverse of this sheet with a full description of the transactions, whether direct or indirect, which I have (or have had during the past year) with persons or organizations having transactions with Jackson County Library District.

If any potential or actual conflict of interest arises during the year, after I have signed this Statement of Associations, I will disclose the actual or potential conflict to the Board President prior to participating in any official Board action relating to such matter.

Signature: _____ Date: _____

Printed name: _____

Position with District: _____