

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting a Conflict ) Order No. 24-2016  
of Interest Policy )

WHEREAS, all public officials, as defined in ORS 244.020 are subject to Oregon's conflict of interest law set forth in ORS 244.120; and

WHEREAS, the Uniform Grant Guidance ("UGG") requires the County to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts, and requiring disclosure of conflicts;

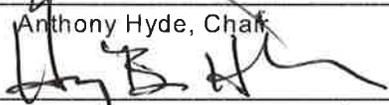
NOW, THEREFORE, IT IS HEREBY ORDERED, that all public officials shall comply with the Conflict of Interest Policy which is attached hereto as Attachment "1", and is incorporated herein by this reference.

Dated this 22<sup>nd</sup> day of June, 2016.

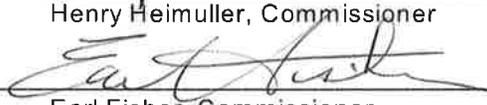
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:  \_\_\_\_\_

Anthony Hyde, Chair

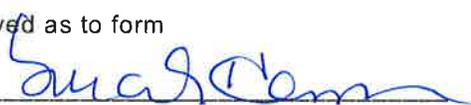
By:  \_\_\_\_\_

Henry Heimuller, Commissioner

By:  \_\_\_\_\_

Earl Fisher, Commissioner

Approved as to form

By:  \_\_\_\_\_  
Office of County Counsel

# Attachment "1"

## Conflict of Interest Policy

Policy Adoption Date: \_\_\_\_\_ Last Revision: \_\_\_\_\_

### Principle

ORS 244.120 provides methods for handling conflicts of interests. 2 CFR 200.112 provides that the County must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy related to federally funded grant awards. 2 CFR 200.318 provides that the County must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. The County is required to provide for disciplinary actions to be applied for violations of conflicts of interest standards by officers, employees, or agents.

### Purpose Statement

This policy seeks to ensure that conflicts of interest by public officials in the County are handled in accordance with Oregon law, and are reported when required in relation to a federal grant.

### Scope and Responsibilities

This policy applies to all public officials.

### Definitions

#### Conflict of Interest:

- (a) **Actual 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 the person's relative or any business with which the person or a relative of the person is associated.
- (b) **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 could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:
  - (i) An interest or membership in a particular business, industry, occupation

or other class required by law as a requisite to the holding by the person of the office or position.

- (2) Any action of the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.
- (3) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

- (c) **Federal Funding Conflicts.** If Federal funding is involved, a conflict of interest arises when an employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employees or is about to employ any of the parties indicted herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

**Covered Individual:** Any County personnel who is a Grants Manager or any other public official who may participate in the selection, award, or administration of a contract supported by a Federal award.

**Financial Interest:** Means anything of monetary value, including, but not limited to, external salary or other payments for services (e.g. consulting fees or honoraria); gratuities or favors.

**Public Official:** Includes elected officials, appointed officials, employees and agents of the County, irrespective of whether the person is compensated for their services.

**Relative:** means the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official, or of the spouse of the public official or candidate; Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

### **Policy Statement**

All Columbia County public officials shall comply with Oregon's ethics law related to conflicts of interest (ORS 244.120, as amended), which is set out below for reference only. In addition, all Covered Individuals shall comply with the *Conflict Of Interest- Procedure for Federal Grants*. When applying for federal grant funding, all Covered Individuals shall complete an interest disclosure form and provide it to the Grant Manager. Grant Managers shall forward interest disclosure reports to the federal award agency, or pass through agency, if required by the terms

of a grant.

The County will inform each Grant Manager or other responsible employee of this specific policy, including the Grant Manager's disclosure reporting obligations and time frames for doing so.

*Subrecipient conflicts of interest* - Subrecipients of federally funded awards will be required to comply with Conflict of Interest regulations, providing assurances that the sub-recipient institution has a written and enforced administrative process to manage, reduce or eliminate conflicting financial interest. Sub-recipients will provide their own Conflict of Interest policy within thirty days if request by the County. The sub-recipient is required to immediately inform the County should a conflict of interest be identified during the award period. County employees are subject to discipline pursuant to Rule 5 of the Columbia County Personnel Rules for failure to comply with this Policy. Contractors and volunteers are subject to termination for failure to comply with this Policy.

#### **Procedure**

See *Conflict of Interest Procedure –Grants and Contracts*.

#### **References**

*The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200.112 Conflict of Interest and 200.318 General Procurement Standards, as implemented by federal awarding agencies); ORS 244.120; ORS 244.020*

#### **ORS 244.120(1)(c) and (2). When met with an actual or potential conflict of interest, a public official shall:**

(1)(c) \*\*\*, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the 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) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public officials vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.