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SPECIAL DISTRICTS  
ASSOCIATION OF OREGON

Special Districts Board Member  
**Handbook**



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## An Elected Officials Guide *To Governing A Special District*

### Foreword

The Special Districts Association of Oregon (SDAO) was formed in 1979 to give special districts a stronger and united voice at the Oregon Legislature. As with similar associations that support cities, counties, schools, and local government, SDAO provides advocacy with state administrative agencies and other units of government, training, information resources, and other support programs. SDAO has grown its membership to over 900 local government members.

The association is governed by a twelve-member board of directors that exercises general supervision over the affairs of the organization. The Board's governance and formulation of policies are exercised in accordance with the association's bylaws. The annual business meeting of SDAO members, held in conjunction with the February annual conference, gives members an opportunity to elect, for two-year terms, their association's board of directors.

SDAO has become increasingly important as the membership has grown and the operation of special districts has become more complex. It has become an effective lobbying and educational organization that strives to serve the needs of its members.



# Chapter 1: *Learning More About Special Districts*

## ***What are special districts?***

Special districts are a form of local government. They are created by their constituents to meet specific service needs for their communities. Most perform a single function such as water delivery, fire protection, wastewater or cemetery maintenance, to name a few. Some, like county service districts, provide multiple services.

## ***What kinds of special districts are out there?***

- 9-1-1 Communications
- Airport
- Cemetery Maintenance
- County Service
- Diking
- Domestic Water Supply
- Drainage
- Emergency Communication
- Fire Protection
- Geothermal Heating
- Health
- Heritage
- Highway Lighting
- Irrigation
- Library
- Mass Transit
- Metropolitan Service
- Park and Recreation
- People's Utility
- Ports
- Predator Control
- Radio and Data
- Road Assessment
- Sand Removal
- Sanitary
- Soil and Water Conservation
- Special Road
- Transportation
- Vector Control
- Water Control
- Water Improvement
- Weather Modification
- Weed Control

## ***How are special districts funded?***

Special districts are funded either through property tax revenues, fees charged to customers for services or a combination of the two.

# Chapter 2: *What You Should Know as a Special District Board Member*

## ***Power and Authority of Special Districts***

Unlike cities, special districts have only the powers that are expressly provided for or necessarily implied in the Oregon Revised Statutes (ORS). These authorities can be found generally in ORS 198, and within the principal act that governs the various types of districts. A listing of the principal statute for each type of district can be found in ORS 198.010 through ORS 198.210.

Each type of special district has its own statute and requirements for board members. Some districts refer to board members as commissioners or directors. Most types of districts require by law that board members are electors, or at least own property within the boundary of the district. The number of board members varies, as does the length of their terms. For specific requirements, districts should refer to the Oregon Revised Statute that governs their type of district.

Implied powers are acts necessary to carry out the expressed powers granted by the statutes. For example, being authorized to provide drinking water implies the authority to purchase chemicals, operate a filtration plant and other actions necessary to carry out the expressed powers of the district. When a district decides to expand its role or responsibilities it should seek legal advice to ensure that actions taken by the district are within the scope of powers authorized by the statutes.

### ***There are several types of power in addition to expressed and implied powers:***

- **Intramural and Extramural Powers:** Powers, which can be exercised within or outside of district boundaries. For example: owning property.
- **Governmental and Proprietary Powers:** Powers exercised in the district's governmental capacity (e.g. policy making) or powers exercised like a business (e.g. operating a marina or selling water).
- **Legislative or Administrative Powers:** The power to adopt policy as opposed to the power to implement policy. For example: adopting a budget is legislative; spending the money is administrative.
- **Quasi-Judicial Power:** The power to adjudicate. Requires a decision based on the law and the evidence presented at a hearing. Requires due process. For example: appeal of termination by an employee.

## ***Delegation of Power***

- A district can delegate some types of power. Delegation is governed by the Constitution and statutes.
- Powers can be delegated vertically (e.g. down to a staff person, consultant, or committee) or horizontally (over to another government agency).
- Legislative power cannot be delegated; only administrative or quasi-judicial power can be delegated. Only the board can exercise legislative power.
- Administrative power can be performed either by the board or delegated to staff, consultants, or committees. If funds permit, most administrative power should be delegated to trained or experienced staff or professionals. This is particularly true with complicated administrative duties like hiring, firing, and contracting.
- Board members should use caution in exercising administrative power because of the potential of liability, workers' compensation issues, staff morale issues, and other considerations.



- All delegations of power should be clear and in writing (e.g. a job description, employment contract, personnel manual, resolution, etc.).

Being a board member on a special district board entails a commitment to being actively involved in setting the direction of the district and, most importantly, serving the best interests of the community and district constituents.

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## Chapter 3: *The Board as an Organization*

Any board exists as an organizational entity, with its own unique organizational culture, norms, values, and operating style. There are attributes or characteristics that are consistently present in boards that operate in a highly effective way. Effective boards become known as effective because they operate in an organizational environment of trust, honesty and openness. These boards exhibit, as a team, the following characteristics:

- All board members are perceived to be equally legitimate – no matter how different or difficult an individual may be
- The board strives to maintain a “no secrets, no surprises” operating norm
- The board recognizes and accepts that conflicts and differences are inevitable, not necessarily “bad,” and must be faced and analyzed
- The effective board tends to immediately turn to solutions rather than playing the “gotcha” game
- The effective board treats all community members with dignity and respect, even in the face of criticism and opposition
- The effective board exhibits creative thinking, knows how to handle failure as well as success, encourages risk taking and creates a climate of support for excellence
- The effective board assumes collective responsibility for the conduct, behavior and effectiveness of the board

## ***Commitment and Responsibilities***

As a board member for a special district, you have committed to serve the best interests of the community, provide services that are essential to the community and represent the people who placed you in office.

One of the most significant responsibilities as a board member is to understand that the board is a team and you need to work together as such. Understanding the dynamics of your group as well as the individual perspectives and opinions of the other board members that you sit with will help to strengthen the district and provide the grounds for maintaining a clear vision of the future, a unity of purpose and a cohesive board. Additionally, the board typically has the specific responsibilities that coincide with their overall role as board members. Overall, your role as a board member is to make and approve district policies, set the direction of the district, make decisions, establish strategic goals and objectives, and be an advocate for special districts.

## ***Liability & Exposure***

District board members have no individual powers separate from the powers of the board, and have no authority to act individually without delegation of authority from the board. If a board member acts without authority from the board, the individual can be exposed to personal and district liability. It is the responsibility and right of board members to participate in board meetings and vote on district issues as part of the board.

Also, individual board members have no individual authority to direct district staff or administrative activities without delegation of that authority from the board. Generally, the board is the policy making body, while staff, to the extent that funds exist, implements policy and administer the district. If a district has no staff, individual board members can assume administrative functions, but only with the authorization of the board. It is a good idea to make sure any delegation of powers to a board member is in writing, in case a public objection is raised, or in case of a potential lawsuit.

## ***Accountability***

Special districts are accountable to the voters and customers who use their services. Every special district must submit annual financial reports to the Secretary of State Audits Division and also must follow state laws pertaining to public meetings, record keeping, ethics, public contracting, budgeting, ethics, and elections.

## ***Bonding***

A district board shall require a bond or irrevocable letter of credit of any board member or employee of the district who is charged with possession and control of district funds and properties. The board shall fix the amount of the bond and the premium shall be paid from district funds. The letter of credit must be issued by a commercial bank (ORS 198.220). All board members or employees can be bonded for a minimal additional charge to the cost (premium) of bonding only one board member. It is practical and beneficial to take the necessary steps to bond all board members and the district manager.

## ***Compensation & Expenses***

ORS 198.190 allows districts to pay board members up to \$50 per day as compensation for serving as a board member. Such compensation does not constitute the holding of a lucrative office. Districts need to withhold the appropriate taxes for any compensation given to a board member and report this compensation on quarterly payroll tax returns. W2s should also be issued at the end of the year. Districts may also reimburse board members for reasonable expenses incurred in performing official duties.

The Oregon Tort Claims Act (ORS 30.260 to 30.300) governs district tort liability and provides for the defense and indemnity of public officials and limits damages. Under the act, damage awards against districts or their officers, employees or agents are limited.

Further, districts and their officers, employees and agents are immune from tort liability for injuries covered by workers' compensation, claims regarding assessment or collection of taxes, and claims based on performance or failure to perform a discretionary function.

A district must provide indemnification for any tort claims, groundless or otherwise, occurring in the performance of duty, with the exception that indemnity is not required for malfeasance or wanton or willful neglect of duty. Unless investigation demonstrates that a claim arose out of the official's or employee's malfeasance or willful or wanton neglect, the district must provide counsel to defend the claim. For this reason, it is critical for the district to immediately notify the district's insurer of any claims.

Special Districts Insurance Services (SDIS) and other insurers provide "pre-loss legal" services designed to assist districts before the claim is filed. If there is a potential claim, districts should contact their insurer and seek assistance, as normally the insurer will defend the district if a claim is filed. If your district is insured with SDIS, contact SDAO at 800-285-5461 for pre-loss legal services.

***If sued, do the following:***

- Immediately provide the document to the district's counsel, insurance agent and insurer
- Do not discuss the matter publicly. Executive sessions may be called to discuss pending or threatened litigation with district counsel
- Preserve attorney-client privilege
- Gather and preserve all related documents
- Don't panic

## ***Office Holding***

There are several constitutional and statutory limitations and requirements governing election to public office. Some restrictions apply before election and some during the term of office. The election of board members shall be conducted as provided by the district's organic act and ORS Chapter 255.

## ***Eligibility for Office***

Each district will have in its principal act the criteria for eligibility for office in that district. In some districts, board members must be citizens and residents of the area. In other districts, board members must own property. In most districts, board members must be an elector. In addition, board members may be ineligible if they have been convicted of a felony, adjudged mentally incapacitated, convicted of making bribes, threats or unlawful rewards, or advocating the overthrow of the government.

## ***Oath of Office***

Each newly elected or appointed board member shall take an oath of office at a board meeting prior to assuming the duties of the position.

## ***Maintenance of Eligibility***

Board members must maintain their eligibility throughout their term of office. For example, if residency is an eligibility requirement, a board member who moves out of the district during the term of office will lose his or her position.

## ***Employees as Board Members***

ORS 198.115 provides that a district can adopt an ordinance or resolution providing that employees are not eligible to serve as board members. Ordinance or resolution must take effect at least one year prior to the next regular district election.

## ***Dual Office Holding***

In Oregon, volunteer public officials are encouraged to hold as many unpaid public offices as they wish. For example, a person may be on the school board and the fire district board at the same time. Such dual office holding is not a conflict of interest. The only limitation is that a public official cannot hold two lucrative offices (i.e. the same person could not hold the position of sheriff and district attorney).

## ***Resignation of Office***

The holder of a public office may resign the office effective at a future date that is prior to the expiration of the term of the office. A resignation is binding unless withdrawn in writing by the end of the third business day after the resignation is made.

Except where an election is required by law, the appointing authority required by law to fill a vacancy may begin the process to fill the vacancy and may select a successor prior to the effective date of the resignation.

## ***Filling Vacancies on a Board***

When a vacancy occurs on a district board between elections, the vacancy shall be filled by appointment by a majority of the remaining board members. If there is not a majority of the board available or if a majority of the board cannot agree on filling the vacancy, the county commissioners will fill the position.

An example would be if a recall election is held and a quorum of the board (e.g. three members out of five) is not available, the vacancies are filled by the board of county commissioners. In yet another example, if four members are present but cannot get a majority of three to vote to fill a position, then the decision would go to the board of county commissioners. A person filling a vacancy will serve until June 30th following the next regular district election at which board members are elected, which is May in odd numbered years. The successor elected at the next regular election serves for the remainder of the unexpired term, if any.

# **POLITICAL ACTIVITIES**

Generally, ORS 260.432 states that a public employee (includes any public official, paid or unpaid, who is not elected) may not, while on the job during working hours, promote or oppose election petitions, candidates or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

### ***Elected officials may:***

- Advocate a political position - they are not considered a "public employee" for the purposes of ORS 260.432 OR ORS 260.432(4)(a).
- Vote with the other elected officials of a governing body (such as a school board, city council, or county commission) to support or oppose a ballot measure, and publicly discuss such a vote – but must not use the public employee staff time to assist in this.
- Perform campaign activity at any time, but must take caution not to involve any public employee's work time to do so.



## ***Notices***

Public employers are required to post a notice that advises employees of the rights and duties they have regarding campaigning. The text of this notice is set forth in ORS 260.432(3).

## ***Campaigning***

Public employees have the right to express personal political views. They may wear political buttons or clothing at work as long as it does not violate the district's policy. The district can prevent campaign buttons and stickers from being affixed to any district equipment or facilities.

The Federal Hatch Act is applicable to any state or local government employee who is funded by federal resources. The Hatch Act is even more restrictive on an employee's political campaigning rights.

## ***Use of Public Funds to Influence Ballot Measures***

Public funds may not be used for campaigning. Public officials who authorize such expenditures are personally liable to taxpayers for their return (ORS 294.100(2)). However, public funds may be used to inform the public regarding measures.

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# **Chapter 4: *Board Meetings***

## ***What is a public meeting?***

A meeting is a convening of a quorum of the governing body of a public body for the purpose of deciding or deliberating upon a public issue. Without a quorum, the meeting is not a public meeting and the open meetings law does not apply:

- If less than a quorum of a board meets and discusses a public issue, it is not a public meeting.
- If a quorum of the board meets for a reason other than deliberation or decision on a public issue (e.g., a party, a seminar, a reception, etc.) it is not a public meeting.
- If a quorum meets for a reason other than deliberation or decision on a public issue, but then engages in such discussion, the meeting becomes a public meeting and would be unlawful unless proper notice had been given.

An advisory body, subcommittee, task force, or other official group that has authority to make recommendations to a public body on policy or administration is also required to comply with public meetings law.

A staff meeting is not covered under Public Meetings Law because it does not require a quorum, and because staff simply makes recommendations to the board which is the policy making body. If, however, a staff meeting includes enough board members as to constitute a quorum, then it must be open to the public.

Public Meetings Law is not a "public participation law." The right of the public to attend meetings does not include the right to participate by giving testimony or comment. However, the public must be allowed to give comment on employment of a public officer or the standards to be used in hiring a chief executive officer.

In Oregon, it takes a majority of the entire membership of the board to adopt a motion, resolution or ordinance or take any other action. A majority of a quorum is insufficient. This means that three affirmative votes on a five-person board are required to pass a motion, even if there is a quorum.

## ***Adopting Rules of Procedure***

There are not specific statutory requirements governing the parliamentary procedures of a district. Boards can adopt model rules such as Roberts Rules of Order or draft their own rules of procedure. It is recommended that districts not adopt any model rule in its entirety, as most are designed for boards of legislative bodies much different than a special district board. A district should adopt their own

## ***Forms of Action***

Districts usually take action by the use of ordinances, resolutions and motions.

- **Ordinances** are generally used to adopt law or policy that applies to the residents of the district. They are subject to the statutory process found in ORS 198.510 to 198.600. The process must be followed strictly or the ordinance may be found to be invalid. Ordinances are subject to the initiative and referendum laws.
- **Resolutions** are used to express policy or opinion of the board or to approve an action such as a contract or major expenditure of funds. A resolution should not be used for adoption of law or policy that applies to the residents of the district. A resolution may be used for the adoption of internal regulations such as personnel rules.
- **Motions** are a way to place a matter before the board for consideration. It is a procedural device rather than a written document. Motions should not be used to adopt or approve a matter that will create policy or have major effect beyond the meeting itself.

# **PUBLIC NOTICE**

The law requires that public notice be given of the time and place of meetings. This includes regular, special, and emergency meetings and workshops, and also includes meetings of subcommittees and advisory committees established by the governing body.

- Notices must be reasonably calculated to give actual notice to interested persons, including news media that have requested notice.
- The same notice must be given if a meeting is to only include an executive session. Any notice of an executive session must also include the specific statutory provision authorizing the executive session. If a regular, special, or emergency meeting is to be held which will include an executive session, the notice of executive session should be included in the notice along with the statutory authority. (See section on Executive Sessions for statutory authority.)
- Notice must include a list of the principal subjects anticipated to be considered at the meeting. The agenda does not need to go into detail about subjects scheduled for discussion, but should be sufficiently descriptive so that interested persons will have an accurate picture of the anticipated agenda topics.
- The law does not require that every proposed item of business be described in the notice, but rather a reasonable effort to inform the public of the nature of the more important issues to be considered. Additional subjects may be considered at the meeting, even though not included in the notice.
- Paid display advertising is not required.

## ***Regularly Scheduled Meetings***

### ***Notices may be issued to:***

- Wire Service: Associated Press and United Press International.
- Local Media Representatives: If the meeting involves a local matter then the notice should be sent to local media.
- Mailing Lists: Districts maintaining mailing lists of persons or groups for notice of public meetings should send notice to the persons on the list.
- Interested Persons: If a district is aware of persons interested in receiving notice of a meeting, these persons should be notified.
- Notice Boards: Some smaller communities have a designated area or bulletin board for posting notices. Governing bodies may want to post notices of meetings in such areas.

## ***Special Meetings***

Special meetings require at least 24 hours' notice. Such notice should include a press release or telephone call to media, particularly media that has requested prior notice. Special meeting notice should also include telephone, letter, or fax notice to other interested parties.

## ***Emergency Meetings***

Emergency meetings may be held on less than 24 hours' notice. An actual emergency must exist, and the minutes must describe the emergency, which justifies less than 24 hours' notice. Notice of an emergency meeting must be "appropriate to the circumstances," which should at least include a reasonable attempt to contact the media and other known interested persons.

- An actual emergency on one item does not permit consideration of other items at the emergency meeting.
- Work schedule conflicts or inconvenience of board members is not a justification for an emergency meeting.

## ***Executive Sessions***

Districts may have executive sessions (meetings closed to the public) under specific circumstances that are authorized by the statutes.

### ***Executive sessions may be held for the following purposes:***

- Employment of public officers, employees and agents
- Discipline of public officers and employees
- Performance evaluations of public officers and employees
- Labor negotiator consultations
- Labor negotiations
- Real property transactions
- Consideration of exempt public records
- Consultation with legal counsel regarding litigation
- Public Investments

No executive session may be held for the purpose of taking final action or decision, only a preliminary decision can be made. Executive sessions may be called during a regular meeting, special or emergency meeting for which proper notice has been given, or a noticed executive session can be held without being part of another meeting.

The media cannot be excluded from an executive session, except when the purpose is to do labor negotiations. Media representatives in attendance at an executive session must be instructed not to report or disclose matters discussed. If not instructed, the media may disclose the executive session discussion. The presiding officer of the board may prohibit the media from recording an executive session. Compliance of the media to the rules is based primarily on cooperation, not on the imposition of any penalties.

Districts are encouraged to consult with legal counsel before calling an executive session to ensure that the notice, procedures and subject comply with state law. The Oregon Government Ethics Commission may consider complaints against public officials for violation of executive session laws, and may impose penalties on elected officials.

**Notice of Ordinances:** If an ordinance is to be considered, ORS 198.540 requires that the meeting agenda be published between 4 and 10 days before the meeting and that it be posted in three places 10 days before the meeting.

## ***Meeting Locations***

The governing body is responsible to assure that there is adequate room for public attendance. Unexpected overflow crowds need not be accommodated, but reasonable efforts should be made to allow unexpected crowds to attend.

- Meetings must be held within the geographic boundaries of the district, at the district's administrative headquarters, or at any other nearest practical location. Emergency meetings and training sessions are not subject to those alternative requirements.
- Public meetings may be held in private places, such as restaurants or residences, as long as adequate notice of the location is given so that interested persons may attend and accommodations can be made for public attendance.
- Meetings may not be held where discrimination on the basis of race, creed, color, sex, age, national origin, or disability is practiced.
- Public meetings must be held in places accessible to individuals with mobility and other impairments, and a good faith effort to provide needed interpreters for hearing-impaired persons needs to be made. A hearing-impaired person requesting an interpreter must give the governing body at least 48 hours' notice.

## ***Control of Meetings***

The presiding officer has the inherent authority to keep order and impose reasonable restrictions necessary for the orderly and efficient conduct of a meeting. Unless the board decides otherwise, the presiding officer may regulate or disallow public input, may limit public input to relevant points, and may establish time limits for such input. Persons who fail to comply with such reasonable regulations or who otherwise disturb the meeting may be asked to leave, and upon failure to do so, may be treated as a trespasser.

- Members of the public cannot be prohibited from unobtrusively recording public meetings.
- Smoking is banned at public meetings at meeting places that are rented, leased, or owned by the district. The presiding officer should make an announcement at the beginning of each meeting to remind participants that smoking is not allowed.

## ***Voting***

All official actions by governing bodies must be taken by public vote of the governing body, and the results of such vote, including how each board member voted on each issue, must be covered in the minutes. Secret ballots are prohibited. Failure to record a vote is not grounds to reverse that decision without a showing of intentional manipulation of the voting.

## ***Minutes & Record Keeping***

Written minutes must be taken of all meetings. Minutes need not be verbatim transcripts, nor are tape recordings required. Minutes, in whatever form, must give a true reflection of matters discussed at the meeting and the views of the participants. Governing bodies must prepare minutes and have them available to the public within a reasonable time after the meeting. Minutes must be made available to the public even though not formally approved by the board.

Any tape recordings or written minutes of public board meetings or executive sessions shall be retained by the district until such time as their disposal is authorized by rule or specific authorization of the State Archivist pursuant to ORS 192.105. It is recommended that minutes be retained forever. Minutes of executive sessions are not public records.

### ***Written minutes must include:***

- Members present
- Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition
- Results of all votes taken
- The substance of any discussion of any matter
- A reference to any document discussed at the meeting

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# **Chapter 5: *Ethics Laws***

Elected and appointed officials have an obligation to conduct business in an ethical manner and make decisions that are in the best interest of their constituents. As a board member for a special district, it is imperative that you keep the public's interest in mind and avoid any situations where your self-interests are put first. Building the public's confidence and trust by demonstrating your ability to recognize potential ethics problems and then removing yourself from that situation is a key factor to your success as a board member.

The Oregon Ethics Commission (OGEC) is charged with regulating the activities of public officials in three primary areas: financial disclosure, prohibition against the use of office for financial gain, and conflicts of interest. Additionally, the OGEC enforces public meetings laws under (ORS 192.610 to 192.690).

## ***Prohibition Against the Use of Office for Financial Gain***

ORS 244.040 states that "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office..." This provision is the basis for violations relating to use of public equipment (such as cell phones and vehicles) and accepting offers for discounted rates from merchants and service providers. The prohibition does not include acceptance of official salary, reimbursement of expenses, honoraria and unsolicited awards for professional achievement.

## ***Conflicts of interest***

Oregon Government Ethics Law 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 public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. The public official must announce the nature of the conflict and not discuss or take any official action on the issue.

A public official is met with an actual conflict of interest when the public official participates in action that would affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. The public official must announce the nature of the conflict and not discuss or take any official action on the issue.

A public official is met with a **potential** conflict of interest when the public official participates in action that could affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated. The public official must announce the nature of the conflict and may discuss and take official action on the issue.

At each session or meeting at which the issue is addressed, the official must make the same public disclosure. However, the official is required to make that announcement only once at each meeting, even if the issue involves a series of votes.

## ***Gifts***

When Oregon Government Ethics Law uses the word "gift" it has the meaning in ORS 244.020(6)(a):

"Gift" means something of economic value given to a public official, a candidate, or a relative or member of the household of the public official or candidate. In other words, a "gift" is something of economic value that is offered to:

- A public official or candidate or to relatives or members of the household of a public official or candidate without cost or at a discount or as forgiven debt and the same offer is not made or available to the general public who are not public officials or candidates.
- If the source of the offer of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year.

For more information on gifts, obtain a copy of "A Guide for Public Officials" from the Oregon Ethics Commission's website.

## ***Advisory Opinions and Staff Opinions***

To assist public officials in avoiding ethics violations, the OGEC lists both staff opinions and advisory opinions on its website. A staff opinion is an informal opinion that addresses only the application of Oregon Ethics Law or Lobbying Regulation Law to the facts stated in the request. Any relevant information, which was not included by the requester of this opinion in the stated facts, could completely change the outcome of this opinion. Other laws or requirements may also apply. The opinion does not exempt a public official from liability under the applicable law for any action or transaction carried out in accordance with the opinion. The opinion is the personal assessment of the executive director of the Oregon Government Ethics Commission.

When in doubt regarding specific activity, you may almost always find an existing opinion related to the topic at hand. If not, you may request an opinion from the OGEC or contact the SDAO Pre-Loss Department.



## Reference Materials

- Attorney General's Public Meetings and Records Manual: Department of Justice
- Oregon Attorney General's Public Contracting Manual: Department of Justice
- A Guide for Public Officials: Oregon Ethics Commission Website
- Local Budget Law: Oregon Department of Revenue
- Special District Elections: Secretary of State Elections Division
- Restrictions on Political Campaigning by Public Employees: Secretary of State Elections Division

### State Agency Resources

|  |                |
|--|----------------|
| Board of Accountancy                           | (503) 378-4181 |
| Bureau of Labor and Industries                 | (971) 673-0761 |
| Construction Contractor's Board                | (503) 378-4621 |
| Department of Administrative Services          | (503) 378-2349 |
| Department of Justice                          | (503) 378-4400 |
| Department of Revenue (Finance & Taxation)     | (503) 378-4988 |
| Oregon Government Ethics Commission            | (503) 378-5105 |
| Oregon Occupational Safety and Health Division | (503) 378-3272 |
| Secretary of State Archives Division           | (503) 373-0701 |
| Secretary of State Audits Division             | (503) 986-2255 |
| Secretary of State Elections Division          | (503) 986-1518 |
| State Treasury                                 | (503) 986-1518 |
| Workers' Compensation Division                 | (503) 947-7810 |

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