



ADMINISTRATIVE POLICIES

SECTION:	Professional Conduct	POLICY #:	601
TITLE:	Public Official Ethics	PROCEDURE #:	N/A
		ORDER #:	18-115
DEPT:	Board of Commissioners	PROGRAM:	N/A
ADOPTED:	4/84	REVIEWED:	REVISED: 11/18

PURPOSE: The purpose of this policy is to set forth the ethical government standards and practices required of all Marion County employees and volunteers engaged in any aspect of governmental and professional business while representing Marion County.

AUTHORITY: The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035 and 203.111, 203.230.

The Marion County Board of Commissioners expresses the governing body’s official, organizational position on fundamental issues or specific repetitive situations through formally adopted, written policy statements. The policy statements serve as guides to decision making for both elected and appointed officials on the conduct of county business.

The Marion County Board of Commissioners’ Administrative Policies and Procedures Manual outlines the forms and process through which the board takes official action on administrative policy. It is the official record of county administrative policy.

Statutory References

Oregon Revised Statutes chapters 162, 164, 165, and 244, ORS 166.715 to 166.735, 180.750 to 180.785, 260.432, 411.670 to 411.690, 646.505 to 646.656, 659A.200 to 659A.224, 659A.230 to 659A.233, Oregon Administrative Rules 199-005-0005 to 199-005-0035, 410-120-1395 to 410-120-1510, 31 USC Chapter 38, 31 USC 3729-3733, 42 USC 1320a-7b and section 6032 of the federal Deficit Reduction Act of 2005, section 1902(a)(68) of the Social Security Act.

APPLICABILITY: All public officials, including county officers, employees or agents, irrespective of whether or not the person is compensated for services.

SUBJECT: PUBLIC OFFICIAL ETHICS

GENERAL POLICY: Marion County elected officials, employees, and volunteers are considered public officials under Oregon law and are subject to Oregon Government Ethics Laws. When acting in their official capacities, public officials are held to the standards of the law. Elected officials, employees, and volunteers may not use information learned through their official capacities for personal gain unless that information is available to the general public.

DEFINITIONS:

Gift: Something of economic value given to the public official, their relative, or member of their household, without a cost, at a discount, or as a forgiven debt, when the same offer is not available to the general public. [ORS 244.020(6)(a)]

Honorarium: 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.

Legislative or Administrative Interest: An economic interest, distinct from that of the general public in any matter subject to the decision or vote of the public official while acting in the public official's capacity as a public official. [ORS 244.020(9)]

Political Activities: Activities directed at the success or failure of a political party, candidate for partisan political office, or partisan political group.

Public Official: Any person elected or appointed to an office or position with a state, county or city government; elected or appointed to an office or position with a special district; an employee of a state, county, or city agency or special district; or an unpaid volunteer for a state, county, city agency, or special district. [ORS 244.020(14)]

POLICY GUIDELINES:

1. RESPONSIBILITIES

- 1.1. It is imperative that all county elected officials, employees, and volunteers have a clear understanding of the ethical framework that guides the work of Marion County.
 - 1.1.1. Public officials must familiarize themselves with resources that offer information or training on the provisions in Oregon Government Ethics law, such as the Oregon Government Ethics Commission website. <https://www.oregon.gov/ogec/Pages/index.aspx>
- 1.2. Although public employees' right of free speech is protected, employees must abide by federal and state law, regardless of conflicts with personal belief systems or the belief systems of elected officials.
- 1.3. Prohibited Actions with Financial Impact
 - 1.3.1. A public official shall not use or attempt to use his or her official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or

SUBJECT: PUBLIC OFFICIAL ETHICS

member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

1.3.1.1. This section does not apply to:

- 1.3.1.1.1. Any part of an official compensation package approved by the public body;
- 1.3.1.1.2. Allowed honorarium;
- 1.3.1.1.3. Reimbursement of expenses;
- 1.3.1.1.4. An unsolicited award for professional achievement;
- 1.3.1.1.5. Gifts within the annual limit from a source that could reasonably be known to have a legislative or administrative interest in the public official's decision or vote as defined in ORS 244.020(9) and OAR 199-005-0003(2); or
- 1.3.1.1.6. Gifts from a source that could not reasonably be known to have a legislative or administrative interest in the public official's governmental agency or scope of authority, items expressly excluded from the definition of gift under ORS 244.020, or contributions to an allowed legal expense trust fund established for the benefit of the public official.

- 1.3.2. A public official shall not solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the vote, official action, or judgment of the public official would be influenced by the pledge or promise
- 1.3.3. A public official shall not further, or attempt to further, the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.
- 1.3.4. During a calendar year, a public official or a relative or member of the household of a public official shall not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest in the public official's decision or vote.

1.4. Prohibited Political Activities

- 1.4.1. No public official shall attempt to, or actually, coerce, command, or require a public employee to influence or give money, service, or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum, or recall petition, the adoption of a measure, or the recall of a public office holder.
- 1.4.2. No public employee shall solicit any money, influence, service, or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum, or recall petition, the adoption of a measure, or recall of a public office holder while on the job during working hours.
 - 1.4.2.1. This section does not restrict the right of a public employee to express personal political views.
 - 1.4.2.2. "Public employee," as used in this section, does not include elected officials.

SUBJECT: PUBLIC OFFICIAL ETHICS

1.5. Prohibited Conduct Related to Application for Employment

- 1.5.1. No public official shall individually or in cooperation with one or more persons deceive or obstruct any person in the exercise of rights to employment granted pursuant to rules or regulations adopted by the board.
- 1.5.2. No public official shall falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified for county employment, or aid in so doing.
- 1.5.3. No public official shall furnish to any person information not available to all applicants for the purpose of either improving or injuring the prospects or chances for county employment.
- 1.5.4. No public official shall impersonate any other person or permit or aid in any manner any other person to impersonate another in connection with any examination or application for county employment.

1.6. False Claims Acts– Prohibiting Medicaid Fraud, Waste and Abuse

- 1.6.1. No public official shall knowingly, in reckless disregard, or in deliberate ignorance of the truth or falsity of the information, present, cause to be presented, permit, or aid another in presenting to the state or federal government a false or fraudulent claim for payment or approval, or a claim for payment or approval that the person knows to be based on false or fraudulent information.
- 1.6.2. No public official shall knowingly, in reckless disregard, or in deliberate ignorance of the truth or falsity of the information, make, use, or cause to be made or used, a false record or statement material to a false or fraudulent claim.
- 1.6.3. No public official shall individually, or conspire with other persons to, commit a violation of the state or federal false claims acts or Medicaid fraud, waste, and abuse.
- 1.6.4. No public official shall knowingly, in reckless disregard or in deliberate ignorance of the truth or falsity of the information, make, use, or cause to be used, a false record or statement material to an obligation to pay or transmit money or property to the government, or knowingly conceal or knowingly and improperly avoid or decrease an obligation to pay or transmit money or property to the government.
- 1.6.5. No public official who has possession, custody, or control of property or money used, or to be used by the government shall knowingly deliver, or caused to be delivered, less than all of that money or property, or that the person knows is less than the amount for which the person receives a certificate or receipt.
- 1.6.6. No public official who is authorized to make or deliver a document certifying receipt of property used, or to be used by the government and, intending to defraud the government, shall make or deliver a receipt without completely knowing that the information on the receipt is true, or that the person knows contains false or fraudulent information.
- 1.6.7. No public official shall knowingly buy, or receive as a pledge of an obligation or debt, public property from an officer or employee of the government, or a member of the Armed Forces, who lawfully may not sell or pledge the property.
- 1.6.8. No public official shall fail to disclose a false claim within a reasonable time after discovering that the false claim has been presented or submitted for payment or approval.
- 1.6.9. No public official shall retaliate against any person for reporting conduct prohibited under the state or federal False Claims Acts, or Medicaid fraud, waste, and abuse.

SUBJECT: PUBLIC OFFICIAL ETHICS

1.7. All Marion County public officials are responsible for compliance and are subject to this policy.

1.8. Violation of this policy may result in disciplinary action.

2. EXCEPTIONS

There are no exceptions to this policy.

3. IMPLEMENTATION

Elected officials and department heads are expected to be knowledgeable of and shall be responsible for implementing this policy in their respective departments.

4. PERIODIC REVIEW

This policy shall be reviewed by Legal Counsel at least every three years, or more often if needed, and updated as necessary to ensure compliance with any legal changes that may occur.

Adopted: 04/84

Revised: 12/07
08/10
11/18