

Pine Eagle School District 61

Code: **BBFA**
Adopted: 6/04/90
Readopted: 12/10/01, 3/11/02, 3/10/08
Orig. Code(s): 154

Board Member Conflicts of Interest

No Board member will use his/her official position or office to obtain personal financial benefit or detriment or financial gain or detriment for relatives or for any business with which the Board member or a relative is associated.

Business means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain.

Business with which a Board member or relative is associated means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

No Board member or relative will solicit or receive directly or indirectly during any calendar year 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, administrative, regulatory, contractual, supervisory or judicial interest in the district. Food and beverage consumed in the presence of the giver is no longer an exception. Thus, food and beverage will be subject to the \$50 per year unless another gift exception applies (e.g. reception).

Public officials (including relatives and members of the household) may receive NO gifts of entertainment from persons with a legislative or administrative interest unless the entertainment is "incidental" to an event or the entertainment is "ceremonial".

Relative is defined as a Board member's spouse, children of Board member or of spouse, brothers, sisters and parents of a Board member or of spouse.

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member's vote, official action or judgment would be thereby influenced.

No Board member will attempt to use or use for personal gain any confidential information gained through his/her official position or association with the district. A Board member will respect individuals' privacy rights when dealing with confidential information gained through association with the district.

Individual Board members and the Board as a public entity are bound by the Code of Ethics for public officials as stated in Oregon law.

Potential Conflict of Interest

Potential conflict of interest means any action or any decision or recommendation by a Board member that could result in a financial benefit or detriment for self or relatives or for a business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member may, after declaring his/her potential conflict of interest, either vote or abstain on the issue.

Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

Actual Conflict of Interest

Actual conflict of interest means any action or any decision or recommendation taken by a Board member that would result in a financial benefit or detriment to self or relatives or for any business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. However, such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

END OF POLICY

Legal Reference(s):

[ORS 162.015 to-162.035](#)

[OAR 199-005-0005 to-199-020-0020](#)

[ORS 162.405 to-162.425](#)

[ORS 244.010 to-244.400](#)

[ORS 332.055](#)

[ORS 659A.006](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).