



RESOLUTION NO. 2018-12-12

**A RESOLUTION OF THE WEST MULTNOMAH SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
REGARDING DISTRICT PURCHASES FROM BOARD MEMBER OPERATED OR OWNED BUSINESSES**

WHEREAS, the West Multnomah Soil & Water Conservation District (“District”) is an Oregon special district which is subject to Oregon’s public procurement laws and regulations, specifically Oregon Revised Statutes (ORS) Chapters 279, 279A, 279B and 279C;

WHEREAS, the members of the Board of Directors (“Board”) of the District usually come to the Board because of their service to, and personal and/or professional interest in, conservation;

WHEREAS, members of the Board may be employed by organizations or be owners or operators of businesses or other organizations that perform professional or personal services of interest to the District;

WHEREAS, members of the Board may also be employed by organizations or be owners or operators of businesses or other organizations that provide necessary supplies, services, equipment, native plants, native seeds and other materials and supplies necessary for the District to conduct its work;

WHEREAS, the District seeks to avoid potential conflicts of interest with Board members by not providing salary or wage payments to Board members for professional or personal services provided to the District, or for payment for professional or personal services provided indirectly as employees or contractors of partner organizations funded in whole or in part with District funds; however

WHEREAS, the District seeks the flexibility to make purchases of supplies, services, equipment, native plants, native seeds and other materials and supplies from Board owned or operated businesses when making such a purchase is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the proposed Resolution regarding District Purchases from Board Member Operated or Owned Businesses, attached to this Resolution as Attachment “A,” is hereby adopted.

APPROVED AND ADOPTED by the Board of Directors of the **West Multnomah Soil & Water Conservation District** on **this 12th day of December, 2018.**

Terri Preeg Riggsby, Board Chair

Attest:

Brian Lightcap, Board Secretary



ATTACHMENT A

DISTRICT PURCHASES FROM BOARD MEMBER OPERATED OR OWNED BUSINESSES

Overview

West Multnomah Soil & Water Conservation District (“District”) is an Oregon special district which is subject to Oregon’s public procurement laws and regulations, specifically Oregon Revised Statutes (ORS) Chapters 279, 279A, 279B and 279C. Further, members of the Board of Directors, employees, and agents of the District must adhere to Oregon Ethics Law (ORS 171.725 through ORS 171.992; ORS 192.660 and ORS Chapter 244) and relevant rules administered by the Oregon Government Ethics Commission.

Policy Statement

It is the policy of the District to allow purchases of supplies, services and materials from businesses owned, operated by, or otherwise have a close association with, a member or members of the Board, including Associate Directors, when such purchase is in the public interest.

General Guidelines

- 1) Board members must declare to the District when they have an owner, operator or other close association with a business that could supply the District with necessary supplies, services and materials for conducting the District’s work.
- 2) Prior to making a purchase from a business that is owned, operated or has a close association with a Board member, the District must document that the purchase is in the public interest because one or more of the following are true:
 - a) The District attempted to secure the type of service, supply or other material from a business not owned or operated or had a close association with a District Board member but found that the service, supply or other material was not available either in absolute or with respect to the scheduling needs of the project needing the service, supply or other material; or
 - b) The type of service, supply or other material was the lowest in cost based on comparable quality available elsewhere.
- 3) For purchases from a business that is owned, operated or has a close association with a Board member that exceeds \$5,000, either one time or cumulative for the Fiscal Year, the District must document their attempt to get a least three bids or quotes for providing the type of service, supply or other material from a business not owned or operated or had a close association with a District Board member and that none of the bids or quotes met the needs of the District with respect to timing and availability, or least cost, as described in Guideline (2) above.
- 4) Payments for professional, personal or other like services of a salary or wage payment on a per hour basis performed by a Board member, or a relative or member of the household or a Board member, are not allowed.