

**Stephen L. Madkour**  
County Counsel

MEMORANDUM

To: Board of County Commissioners  
Gary Schmidt, County Administrator

From: Stephen Madkour, County Counsel

Date: March 6, 2024

RE: Adopt EPP 47



**Scott C. Ciecko**  
**Amanda Keller**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Andrew Narus**  
**Sarah Foreman**  
**Hong Huynh**  
**Caleb Huegel**  
Assistants

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The County regularly adopts Employment Policies and Practices (EPP). Those EPPs are approved either by the County Administrator or the Board of Commissioners. Once approved, they are then housed in County Human Resources.

EPP 47 concerns county employees serving on County advisory boards and commissions (ABC). The current EPP 47 allows for county employees to serve on ABCs. EPP 47 was approved by a prior Board.

In an effort to avoid any claim that the county employee has a potential or actual conflict of interest by the county employee's serving on the ABC, the revised and proposed EPP 47 would prohibit county employees from serving on any County ABCs. Previously, the Board directed that EPP 47 be amended to reflect that position. Upon reflection it was noticed that EPP 47 was never amended as directed by the Board.

Attached to this memo are three versions of EPP 47: 1) As currently exists; 2) redlined; and 3) as amended.

Staff recommends that the Board of County Commissioners adopt the "as amended" version of EPP 47 prohibiting county employees from serving on county ABCs. The amended EPP 47 was presented to the County's bargaining units and no objection was received.

## **EMPLOYEES PROHIBITED FROM SERVING ON ADVISORY BOARDS AND COMMISSIONS**

### **Background**

Within the County government there are a number of advisory boards and commissions that provide guidance to county departments and perform valuable functions for the County as a whole. Among other things, advisory boards and commissions provide citizens with an opportunity for effective participation in local government and provide Commissioners with the citizen perspective on issues.

While County employees may make valuable contributions as members of advisory boards or commissions, due to the possibility of an actual or potential conflict of interest, or the appearance thereof, the Board adopts the following policy:

### **Policy**

People employed by the County, either full-time, part-time, or temporarily, are not eligible for appointment to County advisory boards or commissions. If a member of a County advisory board or commission later becomes an employee, the board member shall resign from the respective board or commission.

A County employee may be appointed to a County advisory board or commission if a provision of federal or state law, County Code, or intragovernmental agreement or other such arrangement provides that such appointment is authorized or required.

### **Procedure**

1. All appointments of a County employee to an advisory board or commission shall be approved either by the Board or the County Administrator.
2. In cases where Department representation is requested, the Department director (or designee) shall determine which employee will be appointed and time associated with membership will become part of a work plan approved by the County Administrator.
3. Subject to Department and County Administrator approval, employees may serve on informal or ad hoc work groups in order to provide subject matter expertise and specific assistance.
4. Exceptions to this policy may be recommended by the Department director and approved by the County Administrator.

### **INTERNET LINKS**

County Ordinance (<http://www.clackamas.us/code/documents/title2.pdf>)

## **EMPLOYEES SERVING ON ADVISORY BOARDS AND COMMISSIONS**

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County employees, contractors, or subcontractors may make valuable contributions as members of advisory boards or commissions. However, there also exists the possibility of the appearance of or actual conflict of interest when an employee serves as a member of an advisory board or commission that advises the department for which the employee works. To provide the benefit of employees serving on county boards and commissions, while avoiding actual or potential conflicts of interest, the Board adopts the following policy.

### **Policy**

People employed by or under contract with the County may be eligible for appointment to county advisory boards or commissions. However, in no event shall a county employee or contractor serve on a county advisory board or commission where the scope of the board's or commission's work or duties is directly related to the employee's or contractor's job responsibilities or duties except as directed by the Department head. And, in no instance shall a county employee serve on an advisory board or commission that directly advises the department for which the employee is employed. This policy also applies to subcontractors. If a member of a county advisory board or commission later becomes an employee, contractor, or subcontractor with the department being advised by the board or commission, the board member shall resign from the respective board or commission.

### **The Following Procedures Are To Be Followed**

1. Employees or contractors who elect to serve on boards or commissions in other Departments shall do so on their own time and without compensation unless they have been asked by their Department director to serve in an official capacity. In cases where Department representation is requested, the Department director (or designee) shall determine which employee will be appointed and time associated with membership will become part of an approved work plan.
2. Employees or contractors who choose to serve on other Departments boards or commissions as private citizens shall identify themselves as representing their own personal views, not those of their Department of employment.
3. Subject to Department approval, employees or contractors may serve on informal or ad hoc work groups within the same Department in order to provide subject specific assistance.
4. Exceptions to this policy may be recommended by the Department director and approved by the County Administrator.

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