

Submitter: Ryan Nolan
On Behalf Of: City of Rogue River
Committee: House Committee On Rules
Measure, Appointment or Topic: HB4161
RE: Support for HB 4161

Chair Bowman, Vice-Chairs Elmer and Pham, and distinguished Committee members,

I am writing to respectfully request that the Legislature clarify Oregon's ethics statutes to expressly state that minor food and beverages provided by a city to its elected or appointed officials, such as during meetings, volunteer appreciation events, or routine team functions, do not constitute compensation.

A recent Oregon Government Ethics Commission (OGEC) opinion has created significant unintended consequences for local governments across the state. In that opinion, OGEC concluded that ORS 244.040 prohibits public bodies from providing even minimal food or beverages to public officials unless such items are formally included in each official's compensation package. This interpretation effectively treats a sandwich at a noon meeting, coffee at a volunteer appreciation event, or snacks during a long budget workshop as financial gain tied to a public office.

This interpretation places local governments in an untenable position. To comply, a city would need to amend personnel policies, employment agreements, and compensation structures, actions that themselves may trigger conflicts of interest for elected officials under the same ethics laws. Volunteers, who are essential to the functioning of local boards and commissions, would also fall under this rule, creating barriers to service and undermining community participation. Moreover, the OGEC guidance raises serious and unnecessary implications under state and federal tax law, including whether trivial refreshments must be reported as taxable income.

The Legislature's longstanding intent has been to prevent misuse of public office, not to prohibit a city from offering a modest meal during a meeting that spans normal lunch or dinner hours. Minor refreshments are a basic accommodation, not a perk, reward, or form of compensation. They facilitate efficient governance, support volunteer engagement, and recognize the reality that many officials, particularly in smaller communities, must balance public service with work and family obligations.

A simple statutory clarification would eliminate confusion while preserving the integrity of Oregon's ethics laws. Specifically, an amendment confirming that de minimis food and beverages provided by a public body for operational, volunteer, or ceremonial purposes do not constitute compensation or prohibited financial gain

would restore normal practice without weakening ethical safeguards.

Local governments across Oregon would benefit from this clarity, and such a change would reaffirm the Legislature's commitment to practical, fair, and commonsense governance.

Thank you for your consideration and for your ongoing service to our state. Please consider supporting HB 4161.

Sincerely,

Ryan Nolan
City Administrator, City of Rogue River