

GUEST EDITORIAL

FROM THE EAST OREGONIAN

What constitutes a conflict of interest in Oregon?

In the past few weeks, two well-researched news reports from two highly regarded publications — one from the Malheur Enterprise and another from Willamette Week — examined the many business interests of State Rep. Greg Smith, R-Heppner, whose House District 57 covers parts of Morrow, Gilliam, Sherman, Wasco and Umatilla counties.

As documented in these recent comprehensive investigative reports, as well as reporting over the years by the Hermiston Herald and East Oregonian, Smith's private business interests as an economic development professional employed by several entities, including Eastern Oregon University, Malheur County, Wheeler County, Harney County, The Columbia Development Authority and more, tend to paint a picture of a public servant successfully leveraging his government access and position.

The popular legislator, known for bringing home the pork to his home district, has the most seniority of any Oregon House member. He has been elected to 10 consecutive terms and, although in the minority party, holds some of the best committee seats in the legislature. These include co-vice chair of the Joint Committee on Ways and Means, co-chair of the committee's general government committee and a seat on the committee's capital construction committee.

Over the years, Smith has voted on specific pieces of legislation in the House of Representatives related directly and indirectly to his private business and declared conflicts of interest on dozens of occasions. The average citizen might ask if that is all that is required? The answer, unfortunately, is yes. The Oregon Constitution dictates that its citizen legislators should publicly declare their conflicts of interest but, oddly, they are prohibited from recusing themselves from votes.

Smith says he has vetted each business contract with the Oregon Ethics Commission before taking it, and gotten the commission's blessing before moving forward. Indeed, it appears that in each and every instance in which there would appear to be a conflict of interest, Smith has gone to great lengths to meet the letter of the law. But it is the spirit of the law that may not be well served.

The blame lies at the feet of the law itself. Knowing what has been reported about the intersection of Smith's personal business and his public service, read the following passage from the Oregon Government Ethics Law ORS 244.040(1):

"... a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or 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."

The language would appear to be clear and self-explanatory. But it's that final clause, "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," that is problematic. Who decides if the financial gain would not otherwise be available? Some of Smith's defenders go to great lengths to make it clear that his legislative service and choice committee assignments play no role whatsoever in him and/or his company being hired. Seriously?

The time is past due for legislative action to clarify the law and put some teeth into its enforcement. Until then, it appears that the only thing stopping future conflicts of interest are a legislator's personal conviction of what is right and what is wrong. The onus is also on lawmakers to self-disclose conflicts. We call upon the state of Oregon to eliminate ambiguity in the law, and further, to allow lawmakers to recuse themselves from votes in which they have a possible conflict of interest. This would go a long way in restoring faith among Oregon citizens that the system is not open to abuse.



Your views

Marlette: B2H transmission line will be obsolete from the onset

To the Editor:
Mitch Colburn, an Idaho Power spokesman for the controversial Boardman to Hemingway transmission line, insists that demand for electricity will increase and a shortfall will exist by 2025, but my research shows that the market is not growing. Idaho Power's billed sales for the last 10 years have been essentially flat, if not declining. That's supported by reports from the U.S. government and Idaho Power's own data.

Changes in electric utilities are occurring so rapidly that most industry analysts propose "strategic positioning" as the best investment to make. B2H is a highly centralized, \$1.2 billion megaproject that guarantees an \$80 million profit to Idaho Power and their partners' shareholders, but does not serve the ratepayers or the public. The five Eastern Oregon counties that would be crossed by the line will see irreparable environmental and cultural damages and increasing grid defections, leaving the poorest of communities to pay the bills. Idaho Power's 12-year-old B2H plans are based on

an old-school approach that has consistently ignored dramatic changes in power sources, delivery and storage.

For about a century, affordable electrification has been based on economies of scale, with large generating plants producing hundreds or thousands of megawatts of power sent to distant users through a vast transmission and distribution grid. Today, utility industry developments are replacing that simple model.

At the top of the list is the availability of low-cost natural gas and solar power. Generators based on these resources can be built much closer to customers. We are now in the early stages of an expansion of distributed generation, which is already lessening the need for costly and wasteful long-distance transmission.

The insecurity of a centralized transmission system is not in our best interest. If one large transmission line goes down, perhaps due to terrorism or forest fire, entire cities are blacked out and vulnerable. With distributed generation, most areas would still have power. Ongoing price declines and technological advances in energy gen-

eration and distribution show the proposed B2H transmission line will be obsolete from the onset. Considering decreasing consumer demands and the rapid and dramatic changes in the industry, Idaho Power's self-serving efforts to support need for the B2H are neither credible nor realistic.

JoAnn Marlette
Baker City

BMTD: Attention, antenna TV users

To the Editor:
On June 7, Blue Mountain Translator District mailed out annual service charge liability notices. These notices are mailed to the owners of district properties within range of BMTD signals, or properties in cities that have been previously verified to have an antenna. Property owners or tenants who view KPDX, KPVT, KGW, KATU, KOIN, KTVB and KRCW over-the-air with an antenna are liable to the BMTD for a \$100 service charge to fund the delivery of these signals to the region. Individuals who do not view the signal may request an exemption from the service charge.

Property owners who do not reply to the service charge liability notice with a payment or signed

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The Observer welcomes letters to the editor. Letters are limited to 350 words and must be signed and carry the author's address and phone number (for verification purposes only). Email your letters to news@lagrandeobserver.com or mail them to La Grande Observer, 1406 Fifth St., La Grande 97850.

exemption request by Jan. 15, 2020, will receive a second notice in February 2020. Property owners who do not reply to either notice with a payment or signed exemption request will have the charge placed on their fall 2020 property tax statement in accordance with procedures laid out in ORS 354.690.

For more information, call 541-963-0196, email bmtbd.org@gmail.com, or visit the BMTD office on the third floor of 1104 K Ave. in La Grande (Joseph Building/Union County government offices).

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