Special District Elected Official's Guide
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A Elected Official's Guide to Governing a Special District

KEEPING UP TO DATE

For a listing of associations for individual types of districts or services, see the following page on the SDAO website:

Link: https://www.sdao.com/resources.htm

While individual associations can offer detailed training specific to a type of district, SDAO and some state agencies offer training that applies to all types of districts. The association is probably the single best way to keep on top of issues for your district. How best then to keep informed on the changes? By being active in an association.

The Special District Association of Oregon was formed in 1979 to give special districts a stronger and united voice at the Oregon Legislature.

It has become increasingly important as the membership has grown and the operation of special districts has become more complex. It has become an effective lobbying and educational organization that strives to serve the needs of its members.

SDAO offers a listing of associations for individual types of districts or services, see the following page on the SDAO website:

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INTRODUCTION

What is a “Special District”

In Oregon, as well as across the nation, special districts are the most rapidly growing form of government. There are many reasons for the growth in district formations, but most are created to provide more than one service. For example, a rural fire district provides fire protection, but also offers more than one service. Fire districts are one type of special district that provides fire protection. These types of special districts are called “special districts.”

Most special districts are small, and rely on volunteers. In Oregon, most districts have fewer than 50 residents. These types of districts are called “special districts.”

The authority to create special districts in Oregon is found in the Oregon Revised Statutes (ORS), Chapter 198. The chapter lists the services that can be provided by a district. In Oregon, there are over 800 special districts. These types of districts are called “special districts.”

The Differences Between a City, County and a District

Cities in Oregon have constitutional authority called “home rule.” This allows a city to legislate and provide services without having to get approval from the state government. The state government has limited authority to regulate cities. This means that cities have more control over their own affairs. Cities in Oregon have constitutional authority called “home rule.”

For special districts, other annexation methods require a vote of the electors to be approved. For example, a city can annex property without a vote of the electors, but a district requires a vote of the electors.

Boundary Commissions

At one time, there were three boundary commissions in Oregon covering the Metro area, Marion County and Lane County. These types of commissions are called “boundary commissions.”

Mergers and Consolidations

The Oregon Revised Statutes (ORS) provide for the merging of districts and the consolidation of districts. These types of districts are called “special districts.”

Districts considering a merger or consolidation should use professional assistance to determine the costs of the merger. Plans need to be made to ensure that the merged district is more effective.

Mergers and consolidations can be a way to provide more cost effective services to residents. Mergers and consolidations can also keep rural districts viable in the face of city annexations.

The specific authority of each type of special district is referenced in the list of district types found in ORS 198.010, ORS 198.180 and ORS 198.210.

Methods of City Annexation

Cities can annex property without a vote of the electors, but a district requires a vote of the electors. For example, a city can annex property without a vote of the electors, but a district requires a vote of the electors.

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boundary commissions
County Service Districts and Authorities

Oregon law also provides for county service districts in ORS 451. County service districts operate in much the same way as sanitary service districts, except that county service districts provide services that are not sanitary in nature. County service districts can provide services that benefit the entire county, such as water and sewer service. County service districts can also provide services that benefit a specific area within the county, such as park and recreation services. County service districts are subject to the same procedures as sanitary service districts, including the annexation of territory and the provision of services.

Authorities

Authorities are a “super” service district authorized in ORS 450 for the provision of water and sanitary services. Authorities have elected boards and operate in the same manner as a special district that provides water and sewer service. Authorities are designed for larger, regional governments that serve multiple cities and unincorporated areas.

ELECTIONS

General Information

Laws governing local elections are administered by the Secretary of State’s office and by each county election officer. When considering a change to local elections, it is best to first contact your county election official. The Secretary of State’s Elections Division prepares and distributes several reference manuals that all districts should become familiar with. Those publications are the District Elections Manual and the Campaign Finance Manual.

The specific section is ORS 198.850. Annexations for districts are a joint process with the county. Districts receiving annexation requests or desiring to annex territory should work closely with the county. Districts may also annex lands within a city, but are required to have the approval of the city council. City annexations are subject to the same procedures as district annexations, with the added requirement that the annexation petition is signed by a majority of the electors registered in the territory and by the owners of half or more of the land.

Annexation of District Territory

A city may propose withdrawal of territory within a district into the city. A city annexation process is similar to annexation by districts, with the added requirement that the annexation petition is signed by a majority of the electors registered in the territory and by the owners of half or more of the land.
Placing Measures on the Ballot

Districts may, in any year, submit a measure to the voters at one or more of the following dates:

- The second Tuesday in March.
- The third Tuesday in May (Primary Election).
- The third Tuesday in September.
- The first Tuesday after the first Monday in November (General Election).

Special elections other than one of the above dates can only occur if the district elections authority approves an election to finance repairs to property damaged.

Typically, these election dates are used for bond measures to authorize the construction of facilities or the purchase of equipment. Other examples would be local option levies and annexations that require a vote.

A district must provide notice to the county clerk at least 61 days before a bond or measure election, unless the district already submitted the same measure in the preceding September election, in which case notice should be given at least 30 days before the election. The notice must include the purpose for which the bonds are to be used and the amount of the bonds. The notice must also be transmitted to the department of finance and the state board of equalization no later than the day before the election.

Oregon State Health Division

Annexation with the approval of the district board.

By the County Commission: The county board may initiate an annexation petition.

By the District Board: An annexation may be initiated by a resolution of the district board and sent to the county.

By Voters: Elections of a city in accordance with the annexation petition.

Annexations to existing cities can generally be initiated in the following ways:

- From the district to the city of another district to a city of which the annexation petition is either addressed to a district or within another city.

ANNEXATIONS, MERGERS AND CONSOLIDATIONS

The boundaries of special districts can change in several ways. Annexations and consolidations can happen for a variety of reasons, including when a district is annexed to another district, or when districts merge to form a new district.

ANNEXATIONS TO EXISTING DISTRICTS

Process and laws

Laws and processes governing annexation to existing districts should become familiar with annexation laws and procedures. While annexations and mergers can happen for a variety of reasons, the boundaries of special districts can change in several ways.
THE ROLE OF THE BOARD AND THE MANAGER

In general, it is the responsibility of the elected board to establish policy and the role of the manager to implement policy. This line sometimes moves depending on the size and responsibilities of a district. The board does have the responsibility of hiring the district manager, evaluating his or her performance and occasionally dismissing. All three areas require compliance with applicable state personnel policies and when hiring or firing a district manager, the board must act in a manner consistent with the applicable laws.

The termination process of district managers and employees is a leading cause of lawsuits against districts and board members personally. For this reason directors need to pay close attention when developing personnel policies and procedures. For this reason, the responsibilities of the district board, managers, and employees is a leading source of personnel policies.

Information Sources

An excellent resource guide for hiring, evaluating and firing employees is the SDAO Management and Policy Resource Guide, available at ___.___. The Guide has a comprehensive review of all phases of employment issues and sample forms and policies for districts to use.

Important jobs of a board is to establish and maintain overall district polices and procedures. Other than when the board adopts personnel policies or a public hearing on an issue, when the board approves personnel issues, these responsibilities of the district manager is the only compliant the board exercises. The district manager is responsible for the implementation of the personnel policies and procedures. The board does have the responsibility of the district manager.

When a vacancy occurs on a district board between elections, the vacancy shall be filled by appointment by the remaining members of the elected board, for example, three members present out of a five-person board or two of a three-person board. Another example would be if a recall election were to be held and a vacancy on the board occurs. If a candidate decides to withdraw from an election, the nominee must withdraw no later than Tuesday, 5:00 p.m., the 70th day before an election. If a candidate decides not to withdraw from an election, the nominee must file a written notice of withdrawal with the Clerk of the Board of County Commissioners within 10 days of filing the petition for nomination. A candidate for the Board of County Commissioners may withdraw from an election at any time prior to the filing of the petition for nomination, unless the withdrawal is determined to be a filing error by the Board of County Commissioners. When a vacancy occurs on a district board between elections, the vacancy shall be filled by appointment by the remaining members of the elected board. If there is no vacation caused by the death of a board member. For example, three members present on a board of a fire district. The statute that covers special district elections is ORS 255.

Recall Elections

The procedure for recall of elected officials is found in two places in the statutes. For the majority of districts that fall under ORS 255 for special district elections, the controlling statute is ORS 255.270. For other types of districts, the controlling statute is ORS 255.12. The statute that covers special district elections is ORS 255.

Filling Vacancies on the Board

When a vacancy occurs on a district board between elections, the vacancy shall be filled by appointment by the remaining members of the elected board. If there is a recall election on the day before the election, the decision would go to the board of county commissioners. When the decision is made, the board of county commissioners may fill the position, or authorize the county to fill a position. If a candidate decides not to withdraw from an election, the nominee must file a written notice of withdrawal with the Clerk of the Board of County Commissioners within 10 days of filing the petition for nomination. A candidate for the Board of County Commissioners may withdraw from an election at any time prior to the filing of the petition for nomination, unless the withdrawal is determined to be a filing error by the Board of County Commissioners. When a vacancy occurs on a district board between elections, the vacancy shall be filled by appointment by the remaining members of the board. If a candidate decides not to withdraw from an election, the nominee must file a written notice of withdrawal with the Clerk of the Board of County Commissioners within 10 days of filing the petition for nomination. A candidate for the Board of County Commissioners may withdraw from an election at any time prior to the filing of the petition for nomination, unless the withdrawal is determined to be a filing error by the Board of County Commissioners. When a vacancy occurs on a district board between elections, the vacancy shall be filled by appointment by the remaining members of the elected board. If there is a recall election on the day before the election, the decision would go to the board of county commission
The right to petition for the recall of a public officer is found in the Oregon Constitution, and is implemented by the previously listed statutes. The statutes provide for a very specific form and method of recall. All information presented and paid for with public funds must be truthful. If the recall is certified for the ballot, the person being recalled has the right to submit to the election official a statement of not more than 200 words that will be printed on the official and sample ballots for the recall.

Measure Campaigns

Audits of community accounts and the districts financial affairs and compliance

Financial statements and reports are prepared by the district, and those statements and reports are subject to the recall. The requirements for initiative and referendum petitions can be found in the Secretary of State's election manual at:

Link:
http://www.sos.state.or.us/elections/manuals/district.pdf

Audit Requirements

Local Budgeting Manual, which can be found at:

Link:

If you wish to speak to someone at DOR about local budget law, call 503-945-8293. You may also order hard copies of DOR publications.

After the Budget is Adopted

An adopted budget can be amended in two ways: resolution transfers and supplemental changes. A resolution transfer consists of the transfer of funds between line items, usually within a fund. An example is moving funds from one fund to another. A supplemental change is moving funds between line items, usually within funds. An example is moving funds from a revenue account to an expense account. The budget must be adopted by the board of directors. The budget must be adopted by the board of directors.

Audit Requirements

The final phase of the budgeting cycle is the audit of the previous budget. The audit must be conducted by the district's auditor or by an auditor certified by the Oregon State Board of Accountancy. The audit should include:

• Financial statements with appropriate notes
• Auditors opinion of the financial statements
• Auditors comments about the districts financial affairs and compliance with legal requirements

Municipal audit law can be found in ORS 297.405.

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The statute that covers local budget law is ORS 294.

Link: [http://landru.leg.state.or.us/ors/294.html](http://landru.leg.state.or.us/ors/294.html)

These statutes cover most types of districts; however, there are certain districts that are exempt. The exempt list includes drainage, irrigation, road, hospital, diking, health, and water districts. Where these districts are exempt, the budgetary process is simpler and more flexible. However, there are certain districts that require more stringent financial management, which is covered by ORS 294.316. Districts exempt from ORS 294 have budgeting requirements listed in their individual enabling statutes.

Each district is required to adopt an annual or biennial budget that begins on July 1 and ends on June 30.

Preparing a Budget

The first step in the budget process is the appointment of a budget officer, who is responsible to the board for the initial preparation of the budget, and who manages the budget process during each phase.

The Oregon Department of Revenue provides an excellent handbook with simple directions for a budget officer to follow and use during the budget process. The guide, called the Basic Budgeting Book, includes forms and sample timelines for the budgeting officer to follow and use during the budget process. In the basic budget process, there are ten steps:

1. Budget officer is appointed.
2. Proposed budget is prepared.
3. Budget officer publishes notice.
4. Budget Committee meets.
5. Budget Committee approves budget.
7. Budget hearing held by board.
8. Budget adopted, appropriations made and tax levy declared (if any).
9. Taxes certified.
10. Post adoption changes.

Notices required during the budget process are found in ORS 294.410 to 294.416.

Issues regarding the use or misuse of public funds, equipment, materials, supplies or space can be found in ORS 294.100, which also establishes personal liability of elected officials for misuse of public funds.

If a district has questions or concerns about information they may provide to the public involving ballot measures, they should contact the Elections Division at 503-986-1518. In some cases, the Elections Division will review proposed informational mailers and comment on their compliance with the law.

Elected officials can take positions on ballot measures and staff can record votes and resolutions in support or opposition to a measure as part of their normal duties. Staff can also research issues pertinent to the district, but must do so using their own personal time if they want to advocate a position.

The courts have recognized the right of elected officials to speak out on issues, particularly those that impact the district which they serve. However, elected officials cannot allow support staff to take part in these discussions.

If a district has questions or concerns about information they may publish, they should contact the Elections Division at 503-986-1518. The Division will review proposed informational materials and provide guidance on their compliance with the law.

ROLES AND RESPONSIBILITIES OF ELECTED OFFICIALS

Power and Authority of Special Districts

Unlike cities, special districts have only the powers that are expressly provided for or necessarily implied in the Oregon Revised Statutes (ORS).
Advisory Opinions and Staff Opinions

To assist public officials in avoiding ethics violations, the GSPC lists both Staff Opinions and Advisory Opinions on its website. A Staff Opinion is the personal assessment of the executive director of the Oregon Government Standards and Practices Commission. An Advisory Opinion is the personal assessment of the executive director of the board of directors without designation of that authority from the board. Executive board members have no individual authority to direct district board meetings and vote on district issues as part of the board.

When in doubt regarding specific activity, you may almost always find an existing opinion related to the topic at hand. If not, you may request an opinion from the GSPC.

BUDGETING

One of the primary responsibilities of a district board is the adoption of an annual or biennial budget for the district. Most districts are covered by local budgeting law which is a collection of statutes and rules which establish a very specific process for local governments to follow.

Powers and Responsibilities of the Board

Elected board members have no individual authority to direct district board meetings and vote on district issues as part of the board. Neither the Board of Directors nor the individual can be expressed to personal and district only from the board. Individual board members have no individual authority to direct district board meetings and vote on district issues as part of the board.

Another power of a district is eminent domain. This is when a district decides to take private property without the consent of the land owner. If this decision is necessary the district must pay the fair market value of the property. The process begins by the district exercising the eminent domain power to a written contract or agreement. The district then acquires the property. The process is approved by the district's governing board, and the fair market value is determined by a court or arbitration panel.

Ogden Government Standards and Practices Commission

The opinion is the personal assessment of the executive director of the GSPC.

Advisory Opinions and Staff Opinions

Advisory Opinions are the personal assessment of the executive director who is authorized by the district to issue an opinion. Advisory Opinions are not legally binding, but they provide guidance. Advisory Opinions are issued to assist public officials in avoiding ethics violations. The GSPC's list of Advisory Opinions and Staff Opinions is available on its website.

Liability and Exposure

The Oregon Tort Claims Act (ORS 30.260 to 30.300) governs district liability and provides for the defense and indemnity of public officials and employees. They will be accomplished.

They provide a method for obtaining services, and the legal policy on how to present a decision. They encourage citizens to participate in the process of developing the budget.

Explain a clear and specific process for local governments to follow.

http://egov.oregon.gov/GSPC/opinion.shtml

http://egov.oregon.gov/GSPC/opinion.generated.shtml

http://egov.oregon.gov/GSPC/opinion.casenote.shtml

http://egov.oregon.gov/GSPC/docs/advisory_opinion_description.pdf

http://egov.oregon.gov/GSPC/docs/6710.html

Implied powers are acts necessary to carry out the express powers granted by the statutes. When a district decides to expand the role of responsibilities it should seek approval from the GSPC.

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Implied powers are acts necessary to carry out the express powers granted by the statutes. When a district decides to expand the role of responsibilities it should seek approval from the GSPC.
Prohibition against the use of office for financial gain

ORS 244.040 states that "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office..."

This provision is the basis for violations relating to use of public equipment (such as cell phones and vehicles) and accepting gifts, compensation for professional achievement.

Conflicts of interest

As the term implies, a potential conflict of interest occurs when a public official takes official action that could affect the financial interests of the public official, or the official's relatives or businesses with which they are associated. An actual conflict of interest occurs when a public official takes official action that definitely would have such an effect.

An elected official or a person appointed to a board or commission must publicly declare a potential or actual conflict of interest prior to abstaining, discussing, recommending, voting or taking other official action on an issue. The official also must explain the nature of the conflict. The declaration and the nature of the conflict must be noted in the minutes.

Under the Act, damage awards against districts or their officers, employees or agents are limited as follows:

• $50,000 property damage per occurrence
• $100,000 for all other claims per occurrence
• $500,000 for all claims arising out of a single occurrence
• No punitive damages

Further districts cannot impose liability for damages covered by workers’ compensation claims. Districts are immune from tort liability for injuries covered by workers’ compensation, claims regarding assessment of taxes and claims based on performance or failure to perform a discretionary function.

A district must provide indemnification for any tort claims, groundless or otherwise, occurring in the performance of duty, with the exception that indemnity is not required for malfeasance or misfeasance. Thus, the district may be liable solely for the damages caused by the official’s actions or omissions.

Under the Act, damages awarded against districts or their officers, employees, and agents are immune from punitive damages.

Gather and preserve all relevant documents.

Discuss pending or threatened litigation with district counsel.

Do not discuss the matter publicly. Executive sessions may be called to address pending litigation.

An official may participate in a meeting of the board of commissioners or of a public agency that is considering the action on the district.

The Special Districts Insurance Services (SDIS) and some other insurers provide "pre-loss legal" services designed to assist district managers. If sued, do the following:

• Immediately provide the document to the district’s counsel.
• Do not discuss the matter publicly.
• Preserve attorney-client privilege.
• Gather and preserve all related documents.
violation of executive session laws, and may impose penalties on elected officials up to $1,000.

ETHICS

Government Standards and Practices Commission

In response to the Watergate scandal, Oregon voters in 1974 approved a statewide ballot measure creating what is now known as the Government Standards and Practices Commission (GSPC). The ballot measure also created a code of ethical standards and business practices applicable to public officials and other employees of the state and its political subdivisions.

The ethics statute applies to all elected and appointed officials, employees and volunteers at all levels of state and local government in all three branches.

The Commission itself consists of seven members, all appointed by the Governor and confirmed by the Senate. Each leader of the Democratic and Republican parties in each house of the Senate shall appoint one member of the same political party. No more than two appointees shall be from the same major political party. The term of office is four years.

Link: [http://landru.leg.state.or.us/ors/244.html](http://landru.leg.state.or.us/ors/244.html)

Regulated Activities

The GSPC is charged with regulating the activities of public officials in three primary areas: financial disclosure, conflict of interest and public meetings.

Link: [http://landru.leg.state.or.us/ors/192.html](http://landru.leg.state.or.us/ors/192.html)

Financial disclosure

Certain public officials are required to file statements of economic interest (SEIs). The GSPC has developed a form for this purpose. For a list of individuals who must file a SEI, and a sample form, see Chapter 244.050 and Sample Statement of Economic Interest Form.

It is important to note that the Oregon Tort Claims Act does not protect a director or staff member from federal laws and lawsuits. For example, a manager or elected official can still be sued for federal civil rights violations, even if they believe there is a potential for a federal suit being filed, they should notify their insurance carrier immediately.

Personal Liability

Individual directors can be personally liable if they act with malfeasance or with willful or wanton neglect of duty. In such cases, the authority of the board, and seek competent personal legal advice on ethical and election issues if questions arise.

BOARD MEETINGS

Types of Decisions

A district board typically makes three types of decisions: legislative, administrative and quasi-judicial. Legislative decisions are those that involve the adoption of laws or policies. Administrative decisions involve the implementation of a district’s Administrative Decision Procedure Manual. Quasi-judicial decisions involve the holding of hearings or quasi-judicial proceedings.

Adopting Rules of Procedure

A district board typically makes three types of decisions: legislative, administrative and quasi-judicial. Legislative decisions are those that involve the adoption of laws or policies. Administrative decisions involve the implementation of a district’s Administrative Decision Procedure Manual. Quasi-judicial decisions involve the holding of hearings or quasi-judicial proceedings.

Link: [http://www.robertsrules.com](http://www.robertsrules.com)

Forms of Actions

Districts usually take action by the use of ordinances, resolutions and motions.

- **Ordinances**: Ordinances are generally used to adopt new or amended laws or policies. They are subject to the statutory process found in ORS 141.110.
- **Resolutions**: Resolutions are used to express the board’s opinions on matters of public interest. They are not laws and do not have the force of law.
- **Motions**: Motions are used to direct the board to take specific action. They are not laws and do not have the force of law.

The Commission itself consists of seven members, all appointed by the Governor and confirmed by the Senate. Each leader of the Democratic and Republican parties in each house of the Senate shall appoint one member of the same major political party. No more than two appointees shall be from the same major political party. The term of office is four years.

Link: [http://landru.leg.state.or.us/ors/174.html](http://landru.leg.state.or.us/ors/174.html)

Principles

and volunteers at all levels of state and local government in all three branches, and elected officials and appointed officials, employees and volunteers at all levels of state and local government in all three branches.

The creation of a code of ethical standards and business practices applicable to public officials and other employees of the state and its political subdivisions is not intended to supplant existing laws or to create a separate code of ethics. The code is intended to provide guidelines that will help ensure that public officials and employees act with integrity and that their actions are consistent with the public trust.

Government Standards and Practices Commission

Elections

Officers are elected to four-year terms.

Violation of executive session laws, and may impose penalties on elected officials up to $1,000.
Discussions, the meeting becomes public and would be unlawful unless proper notice had been given.

Oregon law requires that public notice be given of the time and place of meetings. This includes regular, special and emergency meetings and also meetings of subcommittees and advisory committees. Notice of meetings must be given in a manner prescribed by law. If no notice of the meeting is given, the act of the board is illegal.

Executive Sessions
Districts may have executive sessions (meetings closed to the public) under specific circumstances that are authorized by law. Executive sessions may be held for the following purposes:

- Employment of public officers, employees and agents
- Discipline of public officers and employees
- Performance evaluations of public officers and employees
- Labor negotiator consultations
- Labor negotiations
- Consideration of exempt public records
- Consultation with legal counsel regarding litigation
- Real property transaction
- Public investments

No executive session may be held for the purpose of taking action or reaching any decision. Executive sessions may be held during a regular or special meeting for which notice has been given, or they may be held without notice as a noticed executive session. The media cannot be excluded from an executive session, except when the purpose is to do labor negotiations. Media representatives in attendance at an executive session must be instructed not to report or disclose matters that are confidential or privileged.

Districts are encouraged to consult legal counsel before calling an executive session to ensure that the notice, procedures and subject of the session comply with state law. The Oregon Government Standards and Practices Commission may consider complaints against public officials for violation of state laws. The process must be followed strictly or the ordinance may be found to be invalid. Ordinances are subject to the initiative and referendum laws.

Districts may consider adopting resolutions for the purpose of setting policies or approving actions. Resolutions are used to express policy or opinion of the board or to approve an action such as a contract or expenditure. A resolution may also be used for the adoption of internal regulations such as personnel rules. Resolutions are not a way to pass a matter that will produce a final action or decision. A resolution is an expression of opinion or policy and does not require action by the board. However, if a resolution is made for a purpose other than to change policy, it may be considered as a final action by the board. A resolution should be approved by a majority of the entire membership of the board.

Quorums and Voting
District boards must have a quorum in order to have an official meeting. In Oregon, it takes a majority of the entire membership of the board to adopt a motion, resolution or ordinance or take any other action. A majority of a quorum is insufficient. This means that three affirmative votes on a five-person board are required to pass a motion, even if there is a quorum.

Notices and Taking Public Testimony
Districts are subject to the Oregon Meetings Law, which was written to ensure that public agencies are open to the public and that activities and actions of a public agency are known. The law may be found at: 

http://landru.leg.state.or.us/ors/192.html

A meeting subject to the law is one where there is a quorum of the governing body present for the purpose of deciding or deliberating upon a public issue. Although districts are encouraged to adopt open meeting laws, which was written to ensure that public agencies are open to the public and that activities and actions of a public agency are known, Oregon law does not require districts to adopt open meeting laws.

Meetings subject to the law are required to provide a written agenda at least 24 hours before the meeting, a record of the meetings, minutes of the meetings, and a recording of the meetings. The meetings must be open to the public and must be conducted in a manner that ensures the public's ability to participate in the decision-making process. The public has the right to attend meetings, speak, and ask questions. The public also has the right to take public testimony and to participate in the decision-making process.