

Mosier Fire District Board of Director’s Policy Manual

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BACKGROUND INFORMATION

• INTRODUCTION

The authority given to the Mosier Fire District shall be exercised by a board of directors. Under State law, a fire district board consists of five persons who either own real property in the district, or are registered to vote at an address within the district. ORS 478.050.

District board members are public officials who must act in the best interest of the public and are accountable to the public through federal, state, and local laws. Governance is a responsibility that must not be taken lightly. Public laws concerning district elections, public records and meetings, investments, and budgeting can be time consuming and frustrating. Board members can become objects of public scrutiny and criticism if district affairs are not managed properly.

• DISTRICT POWERS

Mosier Fire District has only those powers which are expressed in, or necessarily implied from, Oregon Revised Statutes (ORS) 198, Special Districts Generally, and ORS 478, Rural Fire Protection Districts. Expressed powers are delineated in ORS 478. Implied powers are acts necessary to carry out expressed powers.

There are several types of power in addition to expressed and implied powers:

- **Intramural and Extramural powers:** Powers, which can be exercised within or outside of district boundaries. For example: owning property.
- **Governmental and Proprietary powers:** Powers exercised in the district's governmental capacity (e.g. policy making) or powers exercised like a business (e.g. operating a marina or selling water).
- **Administrative powers:** The power to adopt policy as opposed to the power to implement policy. For example: adopting a budget is legislative; spending the money is administrative.
- **Quasi-judicial power:** The power to adjudicate. Requires a decision based on the law and the evidence presented at a hearing. Requires due process. For example: appeal of termination by an employee.

• Delegation of Power

Mosier Fire District can delegate some types of power. Delegation is governed by the Constitution and statutes.

Powers can be delegated vertically (e.g. down to a staff person, consultant, or committee) or horizontally (over to another government agency). Administrative power can be performed either by the Board or delegated to staff, consultants, or committees. If funds permit, most administrative power should be delegated to trained or experienced staff or professionals. This is particularly true with complicated administrative duties like hiring, firing, and

contracting.

Board members should use caution in exercising administrative power because of the potential of liability, workers' compensation issues, staff morale issues, and other considerations.

All delegations of power should be clear and in writing (e.g. a job description, employment contract, personnel manual, resolution, etc.).

- **Limitations on Powers**

- Federal limitations: Federal Constitution and statutes impose limitations on a district's powers. For example, districts must afford the rights of due process, equal protection, and non-discrimination in matters such as labor, employment, ratemaking, and termination. Districts must also respect federal environmental and safety regulations.
- State limitations: The State Constitution and statutes impose the same limits as above, but also impose restrictions regarding records, meetings, land use, contracting, budgeting, borrowing money, and a myriad of other regulations.

- **Employees as Board Members**

ORS 198.115 provides that a district can adopt an ordinance or resolution providing that employees are not eligible to serve as board members. Ordinance or resolution must take effect at least one year prior to the next regular district election. Mosier Fire District Volunteers living in the district are eligible to serve as board members.

- **Decision Making Processes**

District board members typically make legislative, administrative, and quasi-judicial type decisions.

- Legislative decisions constitute law or policy and are generally afforded deference by the courts.
- Administrative decisions generally carry out or implement previously adopted law or policy, and courts will be less lenient in reviewing administrative decisions to assure that they comply with the policy that they are to implement.
- Quasi-judicial decisions must comply with state and federal due process rights and courts will review such decisions rather strictly to assure that due process has been complied with.

- **Forms of Action**

Normally, districts take action by use of ordinances, resolutions, and motions. Districts also have the authority to adopt rules and regulations, but would normally do so by adopting either an ordinance or a resolution.

- Ordinances are generally used to adopt law or policy that applies to the residents of the district. They are subject to statutory adoption processes found in ORS 198.510 to 198.600. That statutory adoption process must be followed strictly or the ordinance may be found invalid. Ordinances are subject to initiative and referendum laws.
- Resolutions are normally used to express policy or opinion of the board or to approve an action such as a contract or major expenditure of funds. A resolution should not be used for adoption of law or policy that applies to the residents of the district. A resolution may be used for the adoption of internal regulations such as personnel rules.
- Motions are simply devices to place a matter before the board for consideration. It is a procedural device rather than a written document. Motions should not be used to adopt or approve a matter that will have lasting effect beyond the meeting itself.

• **POLITICAL ACTIVITIES**

Generally, ORS 260.432 states that a public employee (includes any public official, paid or unpaid, who is not elected) may not, while on the job during working hours, promote or oppose election petitions, candidates or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

- **Elected Officials May**
- Advocate a political position - they are not considered a “public employee” for the purposes of ORS 260.432 OR ORS 260.432(4)(a).
- Vote with the other elected officials of a governing body (such as a school board, city council, or county commission) to support or oppose a ballot measure, and publicly discuss such a vote – but must not use the public employee staff time to assist in this.
- Perform campaign activity at any time, but must take caution not to involve any public employee’s work time to do so.

- **Notices**

Public employers are required to post a notice that advises employees of the rights and duties they have regarding campaigning. The text of this notice is set forth in ORS 260.432(3)

- **Campaigning**

Public employees have the right to express personal political views. They may wear political buttons or clothing at work as long as it does not violate the district’s policy. The district can prevent campaign buttons and stickers from being affixed to any district equipment or facilities.

The Federal Hatch Act is applicable to any state or local government employee who is funded

by federal resources. The Hatch Act is even more restrictive on an employee's political campaigning rights.

- **Use of Public Funds to Influence Ballot Measures**

Public funds may not be used for campaigning. Public officials who authorize such expenditures are personally liable to taxpayers for their return (ORS 294.100(2)). However, public funds may be used to inform the public regarding measures.

- **LIABILITY AND EXPOSURE**

District board members can be held liable for wrongful actions of the board. The potential for a lawsuit exists, although historically the number of governing boards found liable has been slight. Governments are no longer governed by the principal of sovereign immunity, which, in the past, protected them from liability.

- **Oregon Tort Claims Act (OTCA)**

ORS 30.260 to 30.300 governs district tort liability, provides for defense and indemnity of public officials, and limits damages.

- **Tort Liability**

Districts are liable for the torts of their officers, employees, and agents acting under the scope of their employment or duties. This does not include contractual or criminal liability.

- **Immunity**

Districts and their officers, employees and agents are immune from tort liability for:

- Injuries covered by workers' compensation.
- Claims regarding assessment or collection of taxes.
- Claims based on performance or failure to perform a discretionary function, even if the discretion is abused.

- **Indemnity**

District officials, employees, and agents must be indemnified by the district for any tort claim, groundless or otherwise, occurring in the performance of duty. Indemnity is not required for malfeasance or wanton or willful neglect of duty. Indemnity includes payment by the district or its insurer of any damages attributable to the act or omission of the official, employee, or agent.

- **Defense**

Unless investigation demonstrates that a claim arose out of the official's or employee's malfeasance or willful or wanton neglect, the district must provide counsel to defend the claim against the official or employee. Normally, the district's insurer provides the defense.

- **Officials/Employees Named as Defendants**

Normally, a lawsuit naming an official or an employee as defendant can be converted by motion into a claim against the district only.

- **Limitations on Damage Awards**

Under the OTCA, damage awards against districts or their officers, employees, or agents are limited to:

- \$115,800 property damage per claim
- \$579,000 property damage per occurrence.
- \$1,412,000 for all other claims per occurrence

- \$706,000 for all claims arising out of a single occurrence

These limitations become effective on July 1, 2017, and apply to all causes of action arising on or after July 1, 2017, and before July 1, 2018. These limitations also increase each year by the percentage increase in the cost of living, subject to a maximum adjustment of 3%. ORS 30.271(4); ORS 30.272(4).

- No punitive damages.

- **Discretionary Immunity**

Under Oregon law, public bodies and their officers, employees, and agents are immune from liability for “any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused” when acting within their scope of employment or duties. (ORS 30.265(6)(c)).

A discretionary (immune) act is an act in which a policy decision is made by the governing body, while a ministerial (non-immune) act is an act which implements a policy decision which has already been made.

Establishing that an act was discretionary allows a court to dismiss an action against the public body before trial. It is well worth some planning to create a record to prove the discretionary nature of acts of your district board.

MOSIER FIRE DISTRICT POLICIES

I. MEMBERSHIP ON THE BOARD OF DIRECTORS

• **Positions and Terms**

The board of directors of the Mosier Fire District shall consist of 5 members serving 4-year staggered terms.

- The Mosier Fire District will provide each board member a position number. Position numbers shall be transferred to the successors of each board member.
- All board members shall serve at large.
- The election of board members shall be conducted as provided by ORS Chapter 478 and ORS Chapter 255.

• **Oath of Office**

Each newly elected or appointed board member shall take an oath of office at a board meeting prior to assuming the duties of the position.

SAMPLE OATH OF OFFICE

I, (insert name of board member), do solemnly swear, that I will support the Constitution of the United States, the Constitution of the State of Oregon, the laws thereof, and the policies of the Mosier Fire District, and that I will faithfully discharge the duties of Director according to the best of my ability, so help me God.

_____Board

Member Attest:

_____Board

Secretary Attest:

- **Term of Office – Starting Date**

Except where the board or the Wasco County Court or Wasco County Commission is filling a vacancy on the board, terms of office shall start on July 1.

- **Vacancies**

Vacancies on the Mosier Fire District Board are announced, and applications are solicited and reviewed by the board. Vacancies are to be filled by appointment by a majority of the remaining board members; and in most districts, the appointee serves until a successor can be elected at the next regular district election. If a majority of the membership of the board is vacant or cannot agree, the vacancy shall be filled promptly by the county commissioners. The regulations governing filling vacancies are found in ORS 198.320.

- **Eligibility for Office**

Mosier Fire District Board members must be electors or owners of real property within the district and must maintain their eligibility throughout their term of office. In addition, board members will not be eligible if they have been convicted of a felony, adjudged mentally incapacitated, convicted of taking bribes, threats or unlawful rewards, or advocating the overthrow of the government.

- **Dual Office Holding**

Mosier Fire District board members are encouraged to hold as many unpaid public offices as they wish. For example, a person may be on the school board and the fire district board at the same time. Such dual office holding is not a conflict of interest. The only limitation is that a public official cannot hold two lucrative offices (i.e. the same person could not hold the position of sheriff and district attorney).

- **Resignation of Office**

A Mosier Fire District board member may resign the office effective at a future date that is prior to the expiration of the term of the office. A resignation shall be in writing and is binding unless withdrawn in writing by the end of the third business day after the resignation is submitted. The resignation should be submitted to the board President or the Secretary/Treasurer if the President is not available.

- **POWERS AND DUTIES OF THE BOARD**

- **Meeting the Needs of the District**

It is the policy of the board of directors to exercise those powers granted to it, and to carry out those duties assigned to it by law, in such a way as to best meet the needs of the district.

- **Board Performance of Duties**

Board members only have the right and responsibility to participate in board meetings and vote on district matters as part of the board. The board is responsible for the formulation and interpretation of the district policies. The board shall establish policy, reserving to itself all authority and responsibility not directly delegated. The board may delegate administration to staff, if funds permit, and require compliance with such delegation.

- **Board Members Authorized By Official Board Action Only**

Board members have no individual powers separate from the powers of the board and have no authority to act individually without delegation of authority from a quorum of the board. Likewise, no individual board member may speak for or on behalf of the board or district, except as authorized to do so by official board action as recorded in the official minutes, guidelines, or policies of the district. Board members only have the right and responsibility to participate in board meetings and vote on district matters as part of the board.

- **Board Member Education**

In order to effectively carry out their duties, board members must be adequately informed. Members are expected to attend board conferences and other board training programs as the board may authorize.

- **Supervision of Staff:**

Individual board members have no individual authority to direct district staff or administrative activities without delegation of such authority from the board.

- **What to Do if Sued**

When the district or its officials or employees receive or are served either a tort claim notice or a summons and complaint:

- Immediately provide the document to the district's counsel, insurance agent, and insurer.
 - Do not discuss the matter publicly. Executive sessions may be called to discuss pending or threatened litigation with district counsel.
 - Preserve attorney-client privilege.
 - Gather and preserve all related documentation.

- **BOARD RESPONSIBILITIES**

- **Communications**

- Encourage participation of staff members and volunteers on appropriate committees and at board meetings.
- Recognize that certain information obtained at board meetings may be non-public and confidential, making disclosure a breach of trust.

- **Attendance**

It is the policy of the Mosier Fire District to ensure Board members faithfully attend board meetings to ensure regular business is conducted promptly. They may be absent or excused if out of town, sick or have a schedule conflict. The Board allows up to 4 excused absences or 2 unexcused absences per year per board member. An excused absence is defined by a 24 hour notice, or preferably more, in advance by the board member to the board President or designee. After 3 excused absences, or 1 unexcused absence, the President will contact the board member missing meetings and reconfirm the board member's commitment to continued service. After 5 excused absences or 3 unexcused absences the board may vote to request that board member resign from the board.

- **Quorums**

The Board must have a quorum in order to meet. A quorum is more than fifty percent (50%) of the members of the entire board, thus a quorum of this Board is three (3) members. A meeting of less than a quorum is not an official meeting nor is it governed by public meeting laws.

- **Financial**

- Participate in development of and approve the annual budget.
- Monitor district finances and the budget, setting policy or taking action to ensure the fiscal integrity of the organization.
- Appoint outside auditors and legal counsel.
- Approve contracts for professional services required by and for the board.

- **Policies, Objectives, and Plans**

- Abide by and become familiar with policies governing the operation of the district.
- Approve the annual strategic plan or plan of operations.
- Approve policies for the organization.

- Develop long-range plan of growth and development for the district.
- Approve specific important projects.
- Approve any significant departure from established plans or policy.
- Where applicable, bring other local governments or community groups into the planning and decision-making process.
- Approve contracts binding the district.
- Approve major changes in the district's organization or structure.
- Pass district resolutions, or adopt ordinances.

- **Management**

- Select the district board president and other officers.
- Hire, supervise and evaluate the Mosier Fire Chief.
- Define the duties and responsibilities for the fire chief, board officers, and major committee chairpersons.
- Select legal counsel and consultants for the board.
- Approve contracts for professional services required by and for the board.
- Authorize officers or board agents to enter into contracts or to sign other written instruments and to take financial actions.
- Approve the plan, form, and amount of management compensation, that is, salaries, bonuses, vacation, travel, and so on.
- Provide advice and consultation to management on matters within the purview of the board's responsibilities.
- Recognize that the chief should have full administrative authority for properly discharging the duties of managing the operation within the limits of the established board policy.

- **Employee Relations**

- Approve any employee benefit plans.
- Insist that personnel complaints go through a proper chain of command. If not resolved, only then should the board get involved.

- **Public Accountability**

- Realize that if a quorum of the board meets to make a decision or to deliberate, then the meeting is considered a public meeting and must comply with all of the requirements of the Oregon Public Meetings Laws.
- Discussions on matters of overall policy outside of regular board meetings can violate the open meetings law.
- Keep the public informed on all district matters.
- Spend the district's money with prudence and trust.

- **ETHICS, CONFLICTS OF INTEREST AND GIFTS**

The Oregon Government Ethics Commission (OGEC) may levy fines for ethics violations up to \$5,000 per violation. In lieu of or in conjunction with finding a violation of law or imposing a civil penalty, the commission may issue a written letter of reprimand, explanation, or education.

Mosier Fire District board members are not required to file financial records with a district however to avoid problems with conflicts of interest, board members shall submit annual conflict of interest disclosure forms.

Oregon Government Ethics law identifies and defines two types of conflicts of interest: An **actual conflict of interest** and a **potential conflict of interest**. A public official is met with a conflict of interest when participating in official action, which could or would result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.

Actual Conflict of Interest

A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated.

Potential Conflict of Interest

A public official is met with a **potential** conflict of interest when the public official participates in action that **could** affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

Disclosure requirements

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

Public Employees:

Public officials in public bodies who are appointed, employed or volunteer must provide a written notice to the person who appointed or employed them. The notice must describe the nature of the conflict of interest with which they are met.

Elected Officials or Appointed Members of Boards and Commissions:

Except for members of the Legislative Assembly, these public officials must publicly announce the nature of the conflict of interest before participating in any official action on the issue giving rise to the conflict of interest.

- Potential Conflict of Interest: Following the public announcement, the public official

may participate in official action on the issue that gave rise to the conflict of interest.

- Actual Conflict of Interest: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest.

If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member's absence when the governing body is convened. Rather, it applies in circumstances when all members of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action.

Exceptions

Where the pecuniary benefit or detriment arises out of one of the following:

- An interest or membership in a particular business, industry, occupation, or other class required by law as a pre-requisite to the holding by the person of the office or position
- Any action in the person's official capacity which would affect to the same degree a class consisting of inhabitants of the state or a similar class consisting of an industry, occupation, or other group including one of which or in which the person or the person's relative or business with which the person or relative is associated, is a member or is engaged.
- Membership on a private, nonprofit 501(c) corporation board.

Prohibited Regardless of Disclosure Under the Oregon Code of Ethics (ORS 244.040), the following are prohibited regardless of disclosure:

- Use of or an attempt to use official position for financial gain or to avoid financial detriment that would not otherwise be available but for the public official's holding of the official position or office.
- Use of confidential information.
- Promises of future employment.
- Receipts of gifts over \$50 in a calendar year received by a public official, relative or member of their household from anyone who has a legislative or administrative interest in the business of the district.
- A public official may not participate in any interview, discussion or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or

member of their household. They may however serve as a reference, provide recommendations or perform other ministerial acts that are part of their normal job functions.

GIFTS

When Oregon Government Ethics law uses the word “gift” it has the meaning in ORS 244.020(6)(a):

“Gift” means something of economic value given to a public official, a candidate, or a relative or member of the household of the public official or candidate. In other words, a “gift” is something of economic value that is offered to:

- A public official or candidate or to relatives or members of the household of a public official or candidate without cost or at a discount or as forgiven debt and the same offer is not made or available to the general public who are not public officials or candidates.
- If the source of the offer of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year.

Exemptions from the Legal Definition of “Gifts”

- Campaign contributions as defined in ORS 260.005.
- Contributions to a legal expense trust fund established under [ORS 244.209](#).
- Gifts from relatives or members of the household of public officials or candidates.
- Anything of economic value received by a public official or candidate, their relatives or members of their household when:
 - The receiving is part of the usual and customary practice of the person’s business, employment, or volunteer position with any legal non-profit or for-profit entity.
 - The receiving bears no relationship to the person holding the official position or public office.
- Unsolicited gifts with a resale value of less than \$25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos.
- Publications, subscriptions or informational material related to public officials’ duties.
- Waivers or discounts for registration fees or materials related to continuing education

or to satisfy a professional licensing requirement for a public official or candidate.

- Entertainment for a public official or candidate and their relatives or members of their households when the entertainment is incidental to the main purpose of the event.
- Entertainment for a public official, a relative of the public official or a member of the public official's household when the public official is acting in an official capacity and representing a governing agency for a ceremonial purpose.
- Cost of admission or food and beverage consumed by the public official, a member of the public official's household or staff when they are accompanying the public official, who is representing government, state, local or Mosier Fire District, at a reception, meal or meeting held by an organization.
- Food or beverage consumed by a public official or candidate at a reception where the food and beverage is an incidental part of the reception and there was no admission charged.
- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official.
- Payment of reasonable expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, conference, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues or not-for-profit organizations that are tax exempt under 501(c)(3).
- Payment of reasonable food, lodging or travel expenses for a public official, a relative of the public official or a member of the public official's household or staff may be accepted when the public official is representing the government agency or Mosier Fire District at one of the following:
 - Officially sanctioned trade promotion or fact-finding mission;
 - Officially designated negotiation or economic development activity when receipt has been approved in advance.
- Payment of reasonable expenses paid to a public school employee for accompanying students on an educational trip.
- Food and beverage when acting in an official capacity in the following circumstances:
 - In association with a financial transaction or business agreement between a

government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction;

- When the office of the Treasurer is engaged in business related to proposed investment or borrowing;
- When the office of the Treasurer is meeting with a governance, advisory or policymaking body of an entity in which the Treasurer's office has invested money.

For further clarification, please refer to Oregon Administrative Rule 199, Division 5, Gifts at http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_199/199_005.html

- **BOARD MEMBER ORIENTATION**

- **Cooperation with Board Candidates**

The board, through its staff, shall cooperate impartially with candidates for the board and provide them with information about board policies, administrative regulations, and other aspects of the operation of the district.

- **Orienting New Board Members**

The board and its staff shall assist each new member-elect and appointee to understand the board's functions, policies, and procedures before he/she takes office. The following methods shall be employed:

- New members shall be invited to attend and participate in public board meetings prior to being sworn in.
- New members shall be invited to meet with the fire chief and the board president to discuss the services and policies of the district.
- The Fire Chief shall give access to each new board member:
 - An updated copy of the board policies and procedures.
 - A copy of the Attorney General's "Public Records and Meetings Manual."
 - Copies of the minutes of all board meetings, except for executive sessions, for the preceding twelve (12) months.
 - Current roster of board, staff and volunteer officers, and volunteers including contact information
 - Copies of the district's last five (5) budgets.
 - Provide operational policies
 - Copies of the district's insurance policies.
 - Copies of all such documents as the attorney[s] for the district may recommend with respect to any pending claims or lawsuits.
 - A list of all district personnel by position.
 - Such other materials as the board President or the fire chief deems appropriate.
 - Tour of facilities and equipment

- **REIMBURSEMENT OF BOARD MEMBER EXPENSES**

- **Board Member Compensation and Reimbursement**

- Board members shall be reimbursed for their actual and reasonable travel and other expenses incurred in the performance of official district duties.

- **Reimbursement Documentation**

- Board members incurring reimbursable expenses shall submit proper documentation of such expenses to the fire chief for reimbursement by the district.

- **BOARD OFFICER'S DUTIES**

- **Duties of the President**

- The president of the board shall preside at meetings of the board of directors. The president shall perform all of the duties prescribed by the Oregon Revised Statutes.
 - The president shall consult with the clerk of the board regarding the preparation of each board meeting agenda.
 - The president shall have the same right as other members of the board to discuss and to vote on questions before the board.
 - The president may call special meetings of the board as described by the Oregon Public Meetings Law.
 - The president of the board shall sign official district documents on behalf of the board when authorized to do so by a majority of the board.
 - Assist in the orientation of new board members.
 - Contact delinquent board members

- **Duties of the Vice-President**

- In the president's absence, or during any disability of the president, the vice-president shall have the powers and duties of the president of the board as prescribed by district policy. The vice-president shall have such other powers and duties as a majority of the board may from time to time determine.

- **Duties of the Secretary-Treasurer**

- The secretary-treasurer of the board shall cause accurate minutes of each board meeting to be taken, transcribed, and distributed to each board member in a timely manner for review prior to approval. The secretary-treasurer shall maintain properly authenticated official minutes in

chronological order. The Board designates the foregoing responsibilities to the district bookkeeper and clerk under the supervision of the secretary-treasurer.

- The secretary-treasurer of the board shall assure that accurate accounting and financial records are maintained by the district.
- The secretary-treasurer shall annually review the district's financial audit with district personnel prior to submitting the audit to the balance of the board. The secretary-treasurer shall send copies of the audit to state or local agencies requiring its submission.

- **Duties of the Clerk**

The Board designates the District Fire Chief or the Chief's designee as the clerk of the board. The duties of the clerk are, but not limited to:

- Prepare agendas and board meeting minutes.
- Respond directly to routine correspondence.
- Serve as clerk of the board as necessary.

- **PUBLIC MEETING POLICY**

- **Preparation for Board Meetings**

Distribution of materials to board members

- The agenda, chief executive officer's report, treasurer's report, and statement of bills shall be given to each member of the board of directors at least (4) days prior to any regularly scheduled board meeting.
- At the same time, the chief executive officer shall provide members detailed information relative to the agenda, including existing board policy pertinent to agenda items.
- Distribution of agenda to the public
- The proposed agenda will simultaneously be distributed to all district officers and other facilities, local and other news media, and posted at one or more convenient locations for review by district personnel and the public.

- **Notice and Location of Meetings**

- Application

This policy applies to all meetings of the board of directors of the district and to any meetings of subcommittees or advisory groups appointed by the board, if such subcommittees or advisory groups normally have a quorum requirement, take votes, and form recommendations as a body for presentation to the board of directors.

- Compliance with Law

All meetings shall be conducted in accordance with the Oregon Public Meetings Law, ORS 192.610-192.710 and 192.990.

- Locations of Meetings

All meetings shall be held within the geographic boundaries of the district, except for training sessions held without any deliberative action. No meeting shall be held in any place where discrimination on the basis of race, creed, color, sex, age, national origin, sexual preference, or disability is practiced. All meetings shall be held in places accessible to the handicapped.

- Meetings Held by Telephone

Meetings held by telephone or other electronic communication is subject to the Public Meetings Law if they otherwise qualify by virtue of their deliberative purpose and the presence of a quorum. ORS 192.670(1). Notice and opportunity for public access shall be provided when meetings are conducted by electronic means. At least one location shall be provided where meetings held by telephone or other electronic means may be listened to by members of the public. ORS 192.670(2).

- Regular Meetings

The board shall hold regular monthly meetings on **the second Thursday of each** month. Such meetings shall be held at **6:00 p.m.** or unless otherwise noticed.

- **Special Meetings**

The board shall hold special meetings at the request of the president or any three members of the board. If the president is absent from the district, special board meetings may be held at the request of the vice-president. No special meeting shall be held upon less than 24 hours public notice.

- **Emergency Meetings**

Emergency meetings may be held at the request of persons entitled to call special meetings, upon less than 24 hours' notice in situations where a true emergency exists. An emergency exists where there are objective circumstances which, in the judgment of the person or persons calling the meeting, create a real and substantial risk of harm to the district which would be substantially increased if the board were to delay in order to give 24 hours' notice before conducting the meeting. The convenience of the board members is not grounds for calling an emergency meeting.

At the beginning of any emergency meeting, the director or directors calling such meeting shall recite the reasons for calling such meeting and the reasons the meeting could not have been delayed in order to give at least 24 hours' notice, which reasons shall be noted in the minutes.

The board shall then determine if the reasons are sufficient to hold an emergency meeting and, if not, shall immediately adjourn such meeting. Only business related directly to the emergency shall be conducted at an emergency meeting.

- **Notice of Meetings**

Notice of the time, place, and principal subjects to be considered shall be given for all meetings. For regular meetings, the notice shall be in the form of an agenda, which shall be sent to all

board members, local media, and to all persons or other media representatives having requested notice in writing of every meeting. The agenda shall also be posted at the following locations with the district: **MFD website, MFD station window, Mosier Library announcement board.**

Written notice shall also be sent to any persons who the district knows may have a special interest in a particular action, unless such notification would be unduly burdensome or expensive. For special meetings, press releases shall be issued or phone calls made to wire services and other media and interested persons shall be notified by mail or telephone. For emergency meetings, the district shall attempt to contact local media and other interested persons by telephone to inform them of the meeting.

- **Executive Sessions**

Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings as set forth above, except that the notice need only indicate the general subject matter to be considered at the executive session, but it shall also set forth the statutory basis for calling the executive session.

The president or other presiding officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the president shall direct any representative of the news media who are present not to report certain specified information from the executive session. In general, the extent of the non-disclosure requirement should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the board as a whole.

- **Interpreters for the Hearing Impaired**

The district shall comply with ORS 192.630(5) regarding the provision of interpreters for the hearing impaired at board meetings, in accordance with the following rules:

- The district shall make a good faith effort to have an interpreter for hearing impaired persons provided at any regularly scheduled meeting if the person requesting the interpreter has given the district at least 48 hours' notice of the request, provided the name of the requester, the requester's sign language preference, and any other relevant information which the district may require. "Good faith efforts" shall include contacting the Oregon Disabilities Commission or other state or local agencies that maintain a list of qualified interpreters.
- If a meeting is held upon less than 48 hours' notice, the District shall make reasonable efforts to have an interpreter present.
- The requirement for an interpreter does not apply to emergency meetings.
- The chief executive officer shall be responsible for developing and maintaining a list of qualified interpreters and shall have the responsibility for making the required good faith effort to arrange for attendance of an interpreter at any meeting for which an interpreter is requested.

- **Board Meeting Conduct**

- **Presiding officer**

The president shall preside at board meetings as specified in section VII(A). In the president's absence, the vice-president shall preside. If both the president and vice-president are absent, any other member of the board may preside.

- **Authority to Conduct Meetings**

The president or other presiding officer at any board meeting shall have full authority to conduct the meeting. Meetings shall be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner. Any decision of the president or other presiding officer at the meeting may be overridden by a majority vote of the board.

- An affirmative vote of majority of the entire membership of the board is required to adopt a motion, resolution, ordinance, or take any other Board action. A majority of a

quorum is insufficient.

- Public Participation

There shall be a period of time, not to exceed 30 minutes for the public to comment on action items on the agenda. Comments shall be limited to five minutes or less per person.

There shall be a period of time, not to exceed 30 minutes for the public to comment on the adoption of ordinances and resolutions. Comments shall be limited to five minutes or less per person.

There shall be a period of time, not to exceed 30 minutes, at Regular Meetings for questions or statements on items which do not appear on the agenda and this additional time is not for the purpose of receiving additional comment or repetitive comments on issues addressed earlier during the meeting. Comments shall be limited to five minutes or less per person.

- Electronic Equipment

The authority to control the meetings of the district board extends to control over equipment such as cameras, tape recorders and microphones. The presiding officer shall inform persons attending any meeting of the district board of reasonable rules necessary to assure an orderly and safe meeting. The physical comfort and safety of members of the board and the public attending the meeting shall be of primary concern in formulating such rules.

- Recording of Votes

Votes shall be recorded. Any member may request that his or her vote be changed if such request is made prior to consideration of the next order of business.

- **RESOURCES**

Actions and Suits (ORS Chapter 30):

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors030.html

Campaign Finance Regulations (ORS Chapter 260):

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors260.html

County and Municipal Finance Administration (ORS Chapter 294)

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors294.html

Oregon Government Ethics (ORS Chapter 244):

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors244.html

Oregon Government Ethics Commission (OAR 199)

http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_199/199_tofc.html

Oregon Government Standards and Practices Law: Guide for Public Officials

http://www.oregon.gov/OGEC/forms_publications.shtml

Restrictions on Political Campaigning for Public Employees

<http://library.state.or.us/repository/2012/201209191128043/index.pdf>

Special District Elections (ORS Chapter 255):

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors255.html

Special Districts Generally (ORS Chapter 198):

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors198.html

i ORS 244.209 Application to establish fund; commission review and authorization. (1) A public official may apply to establish a legal expense trust fund by filing an application with the Oregon Government Ethics Commission. The application must contain:

- A copy of an executed trust agreement described in subsection (2) of this section;
- A sworn affidavit described in subsection (3) of this section signed by the public official; and
- A sworn affidavit described in subsection (4) of this section signed by the trustee.
- The trust agreement must contain the following:
 - A provision incorporating by reference the provisions of ORS 244.205 to 244.221; and
 - A designation of a trustee under ORS 244.211.
- The affidavit of the public official must state:
 - The nature of the legal proceeding that requires establishment of the trust fund;
 - That the public official will comply with the provisions of ORS 244.205 to 244.221; and

- That the public official is responsible for the proper administration of the trust fund.
- The affidavit of the trustee must state that the trustee:
- Has read and understands ORS 244.205 to 244.221; and

- Consents to administer the trust fund in compliance with ORS 244.205 to 244.221.
- Upon receiving an application under this section, the commission shall review the trust agreement, the affidavits and any supporting documents or instruments filed to determine whether the application meets the requirements of ORS 244.205 to 244.221. If the commission determines that the application meets the requirements of ORS 244.205 to 244.221, the commission shall grant written authorization to the public official to establish the trust fund.
- The commission shall review the quarterly statements required under ORS 244.217 and shall monitor the activities of each trust fund to ensure continued compliance with ORS 244.205 to 244.221.
- Unless subject to the attorney-client privilege, all documents required to be filed relating to the creation and administration of a trust fund are public records subject to disclosure as provided in ORS 192.410 to 192.505.
- A public official may not establish a legal expense trust fund without receiving prior written authorization of the commission as described in this section.
- A public official may file an amendment to a trust agreement approved as part of a trust fund under this section. The commission shall approve the amendment if the commission determines the amendment meets the requirements of ORS 244.205 to 244.221. [2007 c.877 §31; 2009 c.505 §3]