

Board Member Duties and Responsibilities

(Chapter 4)

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INTRODUCTION

The authority given to a Special District, except as otherwise provided shall be exercised by a Board of Directors. Columbia 9-1-1 Communications District shall consist of five (5) members serving four (4) year staggered terms elected from five (5) zones throughout the county. The District's zones are designated as follows:

Zone 1 – Clatskanie 1, Clatskanie 2, Clatskanie 3, N. Clatskanie, S. Clatskanie, Marshland, Quincy, S. Delena, N. Delena, & Apiary

Zone 2 – Rainier 2, W. Rainier, Rainier 1, E. Rainier, Prescott, Goble, S. Deer Island, N. Deer Island, Columbia City, Yankton, & W. Yankton

Zone 3 – St. Helens 1, St. Helens 2, St. Helens 3, St. Helens 4, St. Helens 5, St. Helens 6, St. Helens 7, St. Helens 8, St. Helens 9, S. Milton, N. Milton & S. St. Helens

Zone 4 – Vernonia 1, Vernonia 2, Vernonia 3, Vernonia 4, Vernonia 5, S. Mist, N. Mist, Chapman, W. Chapman, S. Warren, N. Warren, S. McNulty, and N. McNulty

Zone 5 – Scappoose 1, Scappoose 2, Scappoose 3, Scappoose 4, E. Scappoose, S. Scappoose, Dutch Canyon, & Sauvie Island

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. The primary duty and function of the Board of Directors is to establish policies for the governance of the District. Governance is a responsibility that must not be taken lightly. It is the policy of the Board to delegate to the Executive Director the responsibility for the day-to-day administration and operation of the District. Policies shall comply with all applicable federal, state and local laws and regulations. If any policy, or portion thereof, is found to conflict with any local, state, or federal law or regulation, such policy shall be deemed void without further Board action.

All District personnel shall comply with the policies adopted by the Board of Directors. Any failure to comply shall constitute grounds for disciplinary action or termination.

BOARD OF DIRECTORS RULES

The Board of Directors is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its residents. In order to assist in the government of the behavior between and among members of the Board, the following rules shall be observed:

- The recognition of the dignity of each individual Board member, the respect of individual style, values and opinions; the encouragement of responsiveness and attentive listening in our communications
- The needs of Columbia County residents will be placed first
- The recognition that the Board's primary responsibility is the formulation and evaluation of policy. Routine matters of operational aspects are the responsibility of the District staff members

POWER AND RESPONSIBILITY OF BOARD MEMBERS

District 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 the Board. Board members only have the right and responsibility to participate in Board meetings and vote on District matters as part of the Board or an assigned Committee. Acting without authority can cause personal and District liability.

The Board of Directors has the responsibility to ensure the administration is performing within the District's policies and budget. Specific areas of Board responsibilities include:

- Recruit, select and evaluate the District's Executive Director, supervision of other staff members is the responsibility of the District's administrative staff
- Conduct an annual performance review of the Executive Director which will include goal setting and salary review
- The Board members will work with equal number of citizen's from throughout the District as the District's Budget Committee. The Budget Committee will work with the District's Budget Officer to prepare and adopt an annual budget
- Consider and act upon recommendations of the Executive Director in all matters of policy relative to the operations of the District
- Establish and interpret District policies
- Provide long range, strategic, financial and succession planning for the District in a concerted effort to evaluate established programs, and pay close attention to monitoring the long term stability of the District
- See to it that the public is informed concerning the progress and needs of the District and to solicit for consideration, public opinion as it affects the programs and services provided by the District
- Adhere to the highest ethical standards in the conduct of District business

ELIGIBILITY AND HOLDING OFFICE

It is the imperative that each elected or appointed Director on the Board, meets the same professional standards required of District employees, as they shall act as the governing body of the Communications District. The District's Personnel Policy stipulates the moral and ethical standards by which District employees shall conduct themselves as a public safety representative, and in accordance with Oregon Administrative Rule 259-008-0011. Each member of the Board shall adhere to the same standard.

No individual who is a volunteer for or employed by the District in any capacity may serve on the District's Board of Directors pursuant to ORS 198.115 and adopted Board resolution.

Additionally, the person being elected or appointed must reside within the District zone of which they are seeking to represent on the Board. The candidate must be a registered voter in Columbia County. Board members must maintain eligibility throughout their term of office. Elections will be conducted in accordance with Oregon statute.

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.

Orientation

The Board and Administrative staff shall assist each new member to understand the Board's responsibilities and restrictions before they take office by the following methods:

- 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 Executive Director for a briefing and tour of the District facilities
- The new member will be provided with an updated copy of the District's Policy Manual, a copy of the Attorney General's Public Records and Meetings Manual, copies of previous six (6) month's meeting minutes, a copy of the District's current budget, a copy of the Oregon Basic Budget Book, and a copy of the Advisory Committee member list

Education

In order to effectively carry out their duties, Board members must be adequately educated to their duties, responsibilities, liability and limitation. The District encourages Board members to attend appropriate conferences and training sessions to not only learn the importance, responsibilities and restrictions of their position but to stay abreast with changes as they occur.

It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, and lodging as a result of training, educational courses, participation with professional organizations, and attendance at state, regional and national conferences associated with the interests of the District.

Resignation of Office

A Board member may resign their seat on the Board effective at a future date that is prior to the expiration of their term in office. A resignation is binding unless withdrawn in writing by the end of the third business day after the resignation is made. Upon receiving a member's resignation, the Board of Directors will begin the process to fill the vacancy effective the date of resignation of the member.

Vacancies in Office

Vacancies on the District Board will be filled by appointment by a majority of the remaining Board members, and the appointee will serve until a successor can be elected at the next regular District election.

ORGANIZATION OF THE BOARD AND OFFICER DUTIES

At the first Board meeting of each fiscal year there shall be elected a President, Vice President, Secretary and Treasurer of the Board. Each officer so elected shall take office immediately and shall serve until the first Board meeting of the following fiscal year, or until his/her successor is elected and qualified to serve.

If the President of the Board should resign or for any reason be unable to fulfill his/her obligation during his/her term of office, the Vice President of the Board shall automatically fill the position of President of the Board. In the event any other office becomes vacant; the position found vacant shall be filled at the next regular meeting of the Board of Directors by nomination and vote of the remaining Board members.

Duties of the President

The President of the Board shall preside at meetings of the Board of Directors, and perform all of the duties prescribed by the Oregon Revised Statutes. It is the responsibility of the President to consult with the District Executive Director 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 ORS Chapter 192. 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.

Duties of the Vice-President

In the President's absence the Vice-President shall have the powers and duties of the President of the Board as prescribed by District policy.

Duties of the Secretary

The Secretary 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 shall maintain properly authenticated official minutes in chronological order. Any of the foregoing responsibilities may be delegated to staff members through the Executive Director.

Duties of the Treasurer

The Treasurer of the Board shall assure that accurate accounting and financial records are maintained by the District. The Treasurer shall annually review the District's financial audit with District personnel prior to submitting the audit to the balance of the board.

COMMITTEES

Special committees and appointees may be created by the President of the Board with concurrence by the members. The functions of a committee shall be those designated by title. It shall be the responsibility of a committee to research and study topics prior to bringing recommendations to the Board for final action. The President will appoint members to the following standing committee:

- Personnel Committee

COMPENSATION AND EXPENSES

The District does not pay compensation to Board members for their service. The District will reimburse Board members for reasonable expenses incurred in performing official duties, mileage per diem when required to travel, the cost of District training, the standard meals and room rate per diem.

DECISION MAKING PROCESSES

The District Board members are empowered to make legal administrative decisions for the business operations of the District. The Board will conduct an annual organizational meeting at the regularly scheduled meeting in July each year and establish the annual business requirements. At this meeting the Board shall:

- Elect officers which will consist of President, Vice-President and Secretary and Treasurer for a term of one year
- Appointment the Budget Officer, Attorneys of Record, Auditor, and Insurance Agent of Record
- Establish a meeting schedule, and adopt organizational procedures for that current year

Distribution of Considered Materials for Board Members

District staff will provide information and materials to the Board members with adequate time for review prior to the next regular scheduled Board meetings, normally 7 days. The provided information will normally consist of:

- Board meeting agenda
- Prior Board meeting minutes
- Budget variance report
- District expenditures
- Executive Director's report
- Other reports or documentation for consideration

Board Meetings

The Board shall hold regular scheduled monthly meetings, with the day, time and location of such meeting to be stipulated at the first meeting of the fiscal year and in compliance with Oregon Public Meetings Law.

Conduct of Board Meetings

The President of the Board 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 may be overridden by a majority vote of the Board. Unless otherwise stipulated, the Board will follow modified Robert's Revised Rules of Order for procedural matters.

Public comments will be limited to 3 minutes per presenter and designated by the Board President. Any person failing to comply with the Board rules of conduct outlined by Policy, or causing any disturbance, may be asked or required to leave. Upon failure to do so, such person will become trespassers.

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FORMS OF ACTION

When the Board determines the need to take a specific action, this will be done by the use of an ordinance, resolutions, or motion.

- 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 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

ATTENDANCE

In order for proper business to be conducted within the District it is imperative to have the attendance of all Board members to contribute to the Board's activities.

Being an Effective Board Member

Each elected Board member position is critical to shape and influence the decisions and actions of the Columbia 9-1-1 Communications District. It is important that each member is informed and up to date on District issues, legislative activities and statutes affecting the District and the Board of Director's decisions. Additionally, activities within the Communications Center and the monthly briefing by the Executive Director allow each member to have the knowledge that is imperative to make appropriate decision for the District.

Quorums

The District is comprised of Five (5) Board members; therefore three (3) Board members present constitute a quorum. If only a quorum is present, a unanimous vote shall be required to take final action.

Voting

When a vote is placed before the Board, it requires a majority of the entire membership of the Board to adopt a motion or resolution; a majority of a quorum is insufficient. Members of the Board may append to the record, at the time of voting, a statement indicating either the reason for their vote or abstention.

Ethics

Columbia 9-1-1 Communications District Board members act as representatives of the citizens of the District and shall adhere to the highest ethical standards of conduct in compliance with Oregon Revised Statute Chapter 244 which specifically provide limitations addressing:

- Use of public position for personal financial gain or avoidance of personal cost
- Nepotism
- Private Employment
- Conflicts of Interest
- Entertainment, Gifts and Meals
- Statements of Economic Interest

Potential or Actual Conflict of Interest

Any action or any decision or recommendation by a Board member which could be to the private pecuniary benefit or avoidance of detriment of that member or that member's relative or business, shall be disclosed to the board prior to consideration of the issue. If in fact an actual conflict exists, the member shall recuse themselves from any decision or recommendation on the matter at hand.

Disclosure Requirements

All conflicts, whether actual or potential, must be disclosed on the record prior to consideration of the issue. The disclosure must be recorded in the minutes. In addition, a notice of the actual or potential conflict and how it was disposed of may be provided to the Oregon Government Ethics Commission within a reasonable period of time.

A public official may not appoint, employ, promote, discharge, fire, or demote a relative or member of their household unless they comply with the conflict of interest provisions.

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 gains 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

POLITICAL ACTIVITIES

In accordance with ORS 260.432 employees will not, while on the job during working hours, promote or oppose election petitions, candidates or ballot measures; nor will anyone require any employee to participate in any political activity.

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

ORS 260.432(2) provides that 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 restricts any campaign buttons and stickers from being affixed to any District equipment or facilities.

Use of Public Funds to Influence Ballot Measures

Pursuant to ORS 294.100, the District will not use public funds for campaigning. However, the District may use public funds to inform the public of pertinent information regarding measures.

LIABILITY AND EXPOSURE

District Board members can be held liable for wrongful actions of the Board, as they are no longer governed by the principal of sovereign immunity, which in the past protected them from liability.

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, and claims based on performance or failure to perform a discretionary function.

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.

ADMINISTRATIVE STAFF SPENDING AUTHORITY

The Board of Directors understands that the Administrative staff of the District must have funds available to conduct business on a daily basis; therefore, the following spending limit authorities are granted for specific Administrative positions:

- Executive Director discretionary spending limit, \$20,000.00
- Operations Manager discretionary spending limit, \$1500.00
- Chief Financial Officer discretionary spending limit, \$1500.00
- Technical Manager discretionary spending limit, \$1000.00
- Communications Manager discretionary spending limit, \$1000.00

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The Board also understands that other District employees may need to travel on District related business and will need to pay for travel expenses they incur that are unknown at the time their travel expense per diem is calculated. Therefore, the Board authorizes the Executive Director or the Chief Financial Officer to issue the employee a temporary District credit card with a maximum balance of \$500.

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9-1-1 ADVISORY COMMITTEE

A group shall be formed known as the Columbia 9-1-1 Communications District Advisory Committee in accordance with ORS 401.857 and follow the below listed directives.

- The committee shall consist of one representative from each public or private safety agency included within the District
- Members and alternates will be appointed by the Board of Directors of the Columbia 9-1-1 Communications District
- An appointed member of this committee shall be elected chairperson and vice-chair person of the committee, by the other members
- The chairperson and vice-chair shall serve for one (1) year, beginning July 1st of that year
- The Director or their designee shall be an ex-officio member of the committee

The duties of this committee shall be:

- The committee shall meet, at a minimum, quarterly and shall convene upon the request of the District Board of Directors
- To advise the Board on items pertaining to the budget, safety, and operations as they relate to the member agencies in the District
- To assist with public relations and public information programs
- To become educated regarding the abilities, the resources, and responsibilities of the District

The duration of this committee shall be continuous, and the duration of each appointed member's service on this committee shall be two (2) years. Of the members first appointed, however, one-half of the members shall serve a term of one year. No appointed member shall be paid any salary or other remuneration for service on this committee except as associated with their primary duties from their member agency.

A quorum is constituted when the committee is represented by:

- One Fire Representative
- One Law Enforcement Representative
- One Emergency Medical Representative
- OR A minimum of five (5) Committee members

SMOKING

No person shall smoke or carry any lighted cigar, cigarette, pipe or other smoking equipment into a room where a public meeting is being held by the Board.