CHAPTER 2 – DISTRICT GOVERNANCE

2.01 Boundaries

The District includes all territory within its boundaries as they now exist or are legally modified. The District will maintain an accurate and current description of the boundaries as a public record.

2.02 Powers

The District is an Oregon local government formed under ORS 266. The District has all powers that Oregon statutes expressly or impliedly grant or allow the District.

2.03 Construction

The statutes and the DCP will be liberally construed so that the District may exercise fully all powers possible under Oregon law and these policies.

2.04 Distribution

The Oregon Constitution reserves initiative and referendum powers as to legislative authority to District voters. The DCP vests all other District powers in the Board except as the DCP otherwise provides. The Board has legislative, administrative and quasi-judicial authority. The Board exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The Board may not delegate its authority to adopt ordinances.

2.05 Board

(A) Composition. The Board is the five-member governing body of the District that exercises all powers and duties of the District under ORS 266.

(B) Individual Authority. Board members have no legal authority to act for the District except at Board meetings. No Board member may act on behalf of the District or Board in any manner without the approval of the Board.

(C) Personal Expression. Members may express their personal opinions on any subject matter to any audience prior to or after a Board action. Members must clearly state that it is their opinion and does not reflect the view of the Board as a whole.

2.06 President

(A) Election. At its first meeting of each fiscal year, the Board must elect a President from its membership.

(B) Authority. The President presides over and facilitates Board meetings, preserves order, enforces Board procedures, and determines the order of Board business. The President must sign all records of Board decisions.

(C) Representation. The President may be asked to speak on behalf of the Board. The President may do so as long as the comments are limited to the actions the Board has or has not taken. The President may speak without prior approval of the Board. If the Board has taken no action, the President must state that the comments are personal opinions only.

2.07 Quorum

Three members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by rule.

2.08 Vote Required

The express approval of a majority of a quorum of the Board is necessary for any Board decision, except when the DCP require approval by a majority of the Board.

2.09 Record

A record of Board meetings must be kept in a manner prescribed by law.

2.10 Legislative Authority

(A) Ordinances. The Board has legislative authority under ORS 266.450 and ORS 198.510 to 198.600 that it will exercise by adopting ordinances. The enacting clause for all ordinances must state "The Tualatin Hills Park & Recreation District ordains:"

(B) Ordinance Adoption.

(1) Except as authorized by subsection (2), the Board must adopt an ordinance with the approval of a majority of the Board at two meetings.

(2) The Board may adopt an ordinance at a single meeting by the unanimous approval of at least three members of the Board, provided the proposed ordinance is available to the public at least one week before the meeting and the notice requirements of ORS 198.540 are met.

(3) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the Board adopts the ordinance at that meeting.

(4) After the adoption of an ordinance, the vote of each member must be entered into the Board minutes.

(5) After the adoption of an ordinance, the President must sign and the Board Clerk (Clerk) must attest to the adoption and the date of adoption. The Clerk must file a certified copy of each ordinance with the Washington County clerk. In addition, the Clerk must comply with notice requirements of ORS 198.560(3) for emergency ordinances.

(C) Effective Date. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

2.11 Administrative Authority

(A) Resolutions. The Board will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The Tualatin Hills Park & Recreation District resolves:"

(B) Resolution Approval.

(1) A resolution or any other Board administrative decision may be approved by the Board at one public meeting.

(2) Any substantive amendment to a resolution must be read aloud or made available to the public before the Board approves the resolution at that meeting.

(3) After the approval of a resolution or other administrative decision, the vote of each member must be entered into the Board minutes.

(4) After the approval of a resolution, the President must sign it and the Clerk must attest to the resolution by name, title and date of approval.

(C) Effective Date. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

2.12 Quasi-Judicial Authority

(A) Orders. The Board will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The Tualatin Hills Park & Recreation District orders:"

(B) Order Approval.

(1) An order or any other Board quasi-judicial decision may be approved by the Board at one meeting.

(2) Any substantive amendment to an order must be read aloud or made available to the public at the meeting before the Board approves the order.

(3) After the approval of an order or other Board quasi-judicial decision, the vote of each member must be entered into the Board minutes.

(4) After the approval of an order, the President must sign it and the Clerk must attest to the date of approval.

(C) Effective Date. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

2.13 Elections

(A) State Law. Board elections and nominations must conform to the requirements of state law.

(B) Qualifications.

(1) To hold a District elective position, each person must be a qualified elector under state law, and reside within the District for at least one year immediately before election or appointment to office.

(2) No Board member may be employed by the District.

(3) The Board is the final judge of the election and qualifications of its members.

(C) Nominations. As set forth in ORS chapter 249:

(1) A candidate for election as a member of the Board will be nominated by filing with the county election officer either:
(a) A petition for nomination signed by at least 25 registered voters; or
(b) A declaration of candidacy accompanied by the appropriate filing fee.

(2) A petition for nomination or declaration of candidacy must be filed with the county election officer not later than:
(a) The 35th day before the date of a regular District election; or

(b) The 70th day before the date of a District election if the election is held on the same date as a primary or general election held throughout the state.

(3) Subject to any other applicable law, the county election officer will prescribe the form and content of petitions for nominations and declarations of candidacy.

(D) Terms. The term of a Board member elected at a District election begins on the first day of July after Washington County certifies election results, and continues until the successor qualifies and assumes the office.

(E) Oath. To hold a Board position each person must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

2.14 Vacancies

(A) Defined.

(1) A vacancy exists upon the incumbent's:
(a) Death;
(b) Adjudicated incompetence;
(c) Recall from the office; or
(d) Resignation.

(2) Or upon declaration by the Board after the incumbent's:
(a) Failure to qualify for the office within 10 days of the time the term of office is to begin;
(b) Absence from the District for 30 days without Board consent, or from all Board meetings within a 90-day period;
(c) Ceasing to reside in the District;
(d) Ceasing to be a qualified elector under state law;
(e) Conviction of a public offense punishable by loss of liberty; or
(f) Resignation from the office.

(B) Notice. If there is a vacancy on the Board, the Board must publish notice to the general public of the vacancy.

(C) Filling. If the vacancy occurs within three months before a regular District election, the vacancy will remain vacant and be filled by District voters. In the event of a vacancy occurring more than three months prior to a regular District election the Board position will be filled by a new member appointed by a majority of the remaining Board members following an open application process and interviews of applicants. The appointee's term of office runs from

appointment until expiration of the term of office of the last person elected to that office.

(D) Temporary. If a temporary disability prevents a member from attending Board meetings, a majority of the Board may appoint a member pro tem.