

DISTRICT COMPILED POLICIES

CHAPTER 2 – DISTRICT GOVERNANCE

2.01 Boundaries

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

2.02 Powers

The District is an Oregon local government formed and existing consistent with ORS Chapter 266. The District has all powers that Oregon law expressly or impliedly grant or allow the District.

2.03 Distribution

The Oregon Constitution reserves the initiative and referendum powers to District voters. ORS Chapter 266 is the statutory foundation for the District, setting its powers and the conduct of its affairs. The Board is designated as the “governing body” for the District and is to exercise the District’s powers. The Board may delegate all but its legislative powers/authority to others, including District staff. 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.

2.04 Board

- (A) Composition. The Board is the five-member governing body of the District.
- (B) Individual Authority. Individual Board members have no authority to act on behalf of the District as individuals but only as a member of the Board at Board meetings, except as the Board may authorize otherwise.
- (C) Personal Expression. Individual Board members may express their opinions on any subject matter but should clearly state that it is their opinion and does not necessarily reflect the view of the Board as a whole or of the District.

2.05 President

- (A) Election. At the June regular meeting each year, the Board shall elect a Board 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 shall sign all records of Board decisions.

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- (C) Representation. If the President is asked to speak on behalf of the Board, he/she may do so provided the comments are limited to a description of Board actions taken. If the Board has taken no action, the President should state any comments are personal.

2.06 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.

2.07 Vote Required

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

2.08 Record

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

2.09 Legislative Authority

- (A) Ordinances. The Board shall exercise its legislative authority consistent with ORS 198.510 to 198.600. The enacting clause for all ordinances shall 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) Within seven (7) days after adoption of an ordinance, the President must sign and Board Clerk (Clerk) attest to the adoption and the date thereof. The Clerk shall file a certified copy of each ordinance with the Washington County clerk.

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- (6) For emergency ordinances, the Clerk shall also comply with the notice requirements imposed by ORS 198.560(3).
- (C) Effective Date. Non-emergency ordinances take effect on the 30th day after adoption or on a later day provided in the ordinance. Emergency ordinances may take effect upon adoption.

2.10 Administrative Authority

- (A) Resolutions. The Board exercises its administrative authority by resolution. The approving clause for resolutions shall state: “The Tualatin Hills Park & Recreation District resolves:”
- (B) Resolution Approval.
 - (1) A resolution may be approved by the Board at one meeting.
 - (2) Any substantive amendment to a pending resolution shall be read aloud or otherwise made available to the public in advance of the Board’s consideration of the resolution at a meeting.
 - (3) After the Board vote on a resolution, the vote of each Board member shall be entered into the Board minutes.
 - (4) After approval of a resolution, the President shall sign it and Clerk then attest to the resolution’s adoption by name, title and date of approval.
- (C) Effective Date. Resolutions take effect on the date of approval, or such day as may be provided in the resolution.

2.11 Quasi-Judicial Authority

- (A) Orders. The Board exercises its quasi-judicial authority by order. The approving clause for orders shall state: “The Tualatin Hills Park & Recreation District hereby orders:”
- (B) Order Approval.
 - (1) An order may be issued by the Board at one meeting.
 - (2) The order will indicate the vote thereon by each member and include its effective date. After entry, the Board President must sign the order and the Clerk attest to the date of its approval.

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- (C) Effective Date. Orders and other quasi-judicial decisions take effect upon entry into the District's records or such later day provided in the order.

2.12 Elections (ORS Chapter 255)

- (A) State Law. Board elections and nominations must conform to the requirements of state law for special districts (ORS Chapter 255 (2015)).
- (B) Qualifications.
 - (1) To hold a District elective position, each person must be a qualified elector under state law and reside within the District.
 - (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. See, ORS 255.235 (2015)
- (D) 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. If the person is elected to their Board position, they are required by the terms of ORS 266.340 (2015) to take the oath within ten (10) days of their receipt of their certificate of election from the County.

2.13 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.

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- (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 tempore*.