

PORT OF SIUSLAW COMMISSION

RULES, REGULATIONS, DUTIES, AND RESPONSIBILITIES

Adopted by the
PORT OF SIUSLAW
BOARD OF COMMISSIONERS

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TABLE OF CONTENTS

	Page
Introduction.....	3
Port of Siuslaw Commission Rules & Regulations.....	4
Board of Commissioners Rules of Conduct.....	5-7
Compensation & Expenses.....	8
Financial Disclosure.....	8
Bonding.....	8
Commission Liabilities.....	9
Discretionary Immunity.....	10
Conflicts of Interest.....	11
Code of Ethics.....	12
Harassment.....	13-14
Port of Siuslaw Commission Duties.....	15-20
Port of Siuslaw Commission Responsibilities.....	21-24

Introduction

The power and authority given a special service district, except as otherwise provided, shall be exercised by a board of directors. Each type of special district has its own statutes and requirements for board members. Some districts refer to board members as commissioners or directors. For the purpose of consistency throughout this material, district governing officials will be referred to as commissioners. Most districts require that commissioners either reside in the district that they represent for a specified period of time, or at least own property within the boundary of the district. The number of commissioners also varies as does the length of their terms.

District commissioners are public officials who must act in the best interests of the public and are accountable to the public through federal, state, and local laws. Governance is a heavy responsibility which must not be taken lightly. Public laws concerning district elections, public records and meetings, investment, and budgeting can be time consuming and often frustrating to understand. Commissioners can become objects of public scrutiny and criticism if affairs of their districts are not managed properly.

Acting as a commissioner can be a rewarding experience which brings a sense of pride in the knowledge that local services depend on the efficient and dependable operation of district services. Well informed commissioners should pay close attention to the needs of the population their districts serve and be aware of their many and important responsibilities.

A well formulated commission policy manual can assist commissioners in understanding their responsibilities and can also assist in orienting new commissioners.

Port of Siuslaw Commission Rules & Regulations

RULES AND REGULATIONS

1. The Port of Siuslaw Board of Commissioners shall operate directly under the general provisions for port districts and special districts established by the State of Oregon, and the following general operating procedures.
2. The rules and regulations are intended to provide a general understanding and a uniformity in the practices and procedures for the operation of the Port of Siuslaw District.
3. These rules and regulations express the judgement and will of the Port of Siuslaw Board of Commissioners and are binding on all members.
4. In the event that any part or parts of these rules and regulations are found to be in conflict with the law, then only such part or parts so found shall be null and void and the remainder thereof shall remain in full force and effect.

AMENDMENT OR SUSPENSION OF RULES

1. The rules and regulations of the Port of Siuslaw Board of Commissioners may be amended or suspended by a majority of the Commissioners at any Commission meeting, provided that each Commissioner shall have been notified in writing of the proposed amendment or notice of the proposed suspension at least forty-eight (48) hours in advance of the meeting.
2. Where a new regulation replaces or amends an existing regulation, the Commission shall repeal the older one by direct action.
3. The Port Manager may, in case of emergency, suspend any part of these rules and regulations which may be in conflict with handling an emergency; provided, however, that the Port Manager shall report the fact of, and the reason for, such suspension at the next meeting of the Commission; and provided further that the suspension shall expire at the time of said report unless continued in effect by the Commission.
4. All previous policies not consistent with the articles of this policy document are hereby declared null and void. In any instance of conflict, this document will supercede past actions. Nothing herein is intended to override the provisions of Federal, State, or local laws, and such laws take precedence in the event of conflict.

Board of Commissioners Rules of Conduct

The Board of Commissioners of the Port of Siuslaw 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 of Commissioners, the following rules shall be observed:

1. We, as a Board of Commissioners, value confirming the dignity of each individual Commissioner. We also recognize the importance of respecting the style, values, and opinions of one another. We encourage responsiveness and attentive listening in our communication.
2. We, as a Board of Commissioners, shall place the needs of the residents first.
3. We, as the Board of Commissioners, recognize that our primary responsibility is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
4. We, as a Board of Commissioners, shall commit ourselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, talking behind people's backs, and other negative forms of interaction.
5. We, as a Board of Commissioners, commit ourselves to focusing on issues and not personalities. We will encourage the presentation of others' opinions. We will avoid cliques and voting blocks based on personalities rather than issues. We will make decisions only after all available findings of fact have been presented and discussed.
6. We, as a Board of Commissioners, when responding to citizen requests and concerns, shall be courteous, responding to individuals in a positive manner and routing their concerns and interests through appropriate channels.
7. We, as a Board of Commissioners, should avoid public "minority" opinion discussions except during Commission meetings where other Commission members may have the opportunity to observe all facets of the issue.
8. We, as a Board of Commissioners, commit to supporting Commission action. The role of the Commissioner is not to place barriers once a decision has been made by the Commission and is ready to be implemented. We acknowledge the right of individuals to disagree with ideas, without being disagreeable. Different points of view are healthy in contributing to the decision-making process.
9. We, as a Board of Commissioners, shall practice the following procedures in: 1) seeking clarification on informational items; 2) handling complaints; 3) handling

items related to safety; 4) presenting items for discussion at Commission meetings and in other forums; and 5) seeking clarification for policy-related concerns.

- a. Informational Items: Commissioners may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
 - b. Handling Complaints from Residents of the District: Complaints made to members of the Board of Commissioners should be directly referred to the Port Manager of the District, who will channel the complaint to the proper department for solution, and shall discuss the complaint at a regular meeting only after failure of administrative remedies or solutions.
 - c. Safety: Concerns for safety or hazards should be reported to the Port Manager or to the front desk at the Port office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
 - d. Agenda Items: Commissioners wishing to have items placed on the Commission meeting agenda or at other Commission functions should present these to the Port Manager and/or the Commission Chair.
 - e. Policy-related Concerns: Policy-related questions, especially related to personnel, legal action, land acquisition and development, finances, and programming should be directed to the Port Manager and/or to a Commissioner when advisable.
10. We, as a Board of Commissioners, recognize the work of the District as a team effort. All individuals shall work together in a collaborative process, assisting each other and the Chair, in conducting the affairs of the District.
 11. We, as a Board of Commissioners, shall each operate as part of the whole, issues will be brought to the attention of the Commission as a whole, rather than to individual members selectively.
 12. We, as a Board of Commissioners, recognize that the Port Manager has been delegated executive responsibility and authority for properly discharging the required professional duties within limits of established Commission policy and applicable laws, and are encouraged to work with the Port manager, at our convenience, to discuss current issues, concerns and District projects.
 13. We, as a Board of Commissioners, are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.
 14. We, as a Board of Commissioners, when approached by professional staff members concerning policy within the District, shall direct inquiries to their supervisor. The chain of command should be followed.

15. We, as a Board of Commissioners, shall be prepared by reviewing District materials and will engage in a program of development directed toward improving our legislative decision-making capabilities.

Compensation & Expenses

(Provided for informational purposes)

A district commissioner may not receive over \$50 per day or a portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties. (ORS 298.190)

Public officials in Oregon are prohibited from using their office in order to obtain financial gain for themselves, their relatives, or business with which they or any member of their household is associated. Commissioners devote a great deal of energy and time to the community. They must view their position as one of service and representation, not as an avenue toward financial gain.

Financial Disclosure

(Provided for informational purposes)

Officers of special districts are not required to file financial records with a district unless the district is a metropolitan service district. However, a district may enact a resolution requiring its officials to disclose their financial records.

Bonding

The Port of Siuslaw District shall require bond or irrevocable letter of credit of any member of the commission or any officer or employee of the district who is charged with possession and control of district funds and properties. The amount of the bond shall be fixed by the commission of the district. The premium shall be paid from the district funds. The letter of credit shall be issued by a commercial bank.

Under certain conditions, the amount of the bond can affect the frequency of a financial audit as required by the State of Oregon.

Commissioner Liabilities

(Provided for informational purposes)

Governments are no longer governed by the principal of sovereign immunity, which in the past protected them from liability. This size of claims against governing bodies in the State of Oregon is limited by the Oregon Tort Claims Act. The act sets a limit of \$500,000 for each claim filed against a governing body. To protect themselves from liability, the Port of Siuslaw District provides Errors and Omissions Liability coverage.

District boards and their members can be held liable if a claim filed against the district meets any of the four following tests:

1. Violation of Duties: The violation must be clearly outside the scope of the districts' duties and responsibilities.
2. Cause and Effect: The Commission or the decisions of its members must be the cause of the injury. If the decision was not the substantial reason behind the injury, then the Commission cannot be held liable.
3. Breach of Duty: The District Commission must use reasonable care to prevent an injury if the potential for an injury is foreseeable. For example, liability can be found if an unsafe work area, that the Commission was informed of and failed to take any action against, was the cause of an accident. The court will follow the Prudent Person Rule when deciding if the District liable: "Would a reasonable person have known that if they failed to do something, an injury would occur?"
4. Injury of Damage: There must be injury or damage caused to the plaintiff in order for the District to be held liable for a tort. Potential injury or damage is not a substantial enough reason to sue the District.

Discretionary Immunity

(Provided for informational purposes)

*Source: Special Districts Legal Counsel
Bollinger, Hampton & Tarlow
Risk Management Review, January 1991*

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”. (ORS 30.265)

A discretionary (immune) act is an act in which a policy decision is made, while a ministerial (non-immune) act is an act which implements a policy decision which has already been made. In the real world, the distinction is often vague.

Not every exercise of judgement constitutes an exercise of “discretion”. In deciding whether an act was the result of a delegation of responsibility for policy choices to a certain level of operations (discretionary), as distinguished from routine decisions which every employee must make in every action he or she takes (ministerial). For example, if an officer or committee had to decide whether to take one action versus another because of financial constraints, a discretionary action is usually present because a policy decision regarding financial priorities will have been made.

Similarly, the decision to choose one plan of a roadway over another plan is probably a discretionary act; most acts done in routine maintenance of a road would be ministerial.

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

First, all decisions which actually are policy decisions should be made by the person or committee which has the duty and/or right to make such decisions. Do not allow policy to be made at an inappropriate level. Second, all decisions made should be documented and a synopsis of the discussions regarding the decision should be kept. Carefully written minutes of a meeting may be sufficient to accomplish this documentation.

If a claim is filed against your district, be aware of the discretionary immunity defense and provide a documentation of related decisions and actions to your attorney as soon as possible.

Conflicts of Interest

(Provided for informational purposes)

A conflict of interest can arise anytime a public official takes any action or makes any decision or recommendation, which can be perceived as giving benefit or detriment to the official or the official's relative, or a business with which the official or the official's relative is associated, unless the benefit is a result of the following:

1. The commissioner is required to be a member of a certain business, organization, or occupation required as a prerequisite to holding the office or position on the commission.
2. The commissioner is part of a class which consists of all inhabitants of the state or a smaller class which is composed of large industry, occupational or other group, including one of which or in which the Commissioner, or the Commissioner's relative or business with the Commissioner or the Commissioner's relative is associated, is a member or is engaged. The Commission may, by rule, limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.

If a conflict of interest does arise, the official **must** announce publicly the nature of the potential conflict of interest before taking any action thereon in the capacity of a public official. (ORS 244.120). Announcements regarding the conflict of interest must be made each time that it arises. If the issue is disclosed at several different commission meetings, then the conflict of interest must be disclosed each time.

Simply declining to vote on a matter where a potential conflict of interest arises is not adequate. The conflict must be publicly declared and announced. The decision of whether or not to participate in the discussion of the matter resides with the commission. Failure to announce a conflict of interest is against the law and can result in civil penalties.

The Oregon Ethics laws define "relative" to mean the spouse of the public official, any children of the public official or the public official's spouse, and brothers, sisters, or parents of the public official or the public official's spouse.

The Oregon Ethics laws also defines "business with which the person is associated" to mean any business of which the person or the person's relative is a director, officer, owner, or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

Code of Ethics

(Provided for informational purposes)

All public officials in Oregon should be aware of and follow the State of Oregon's Code of Ethics: (ORS 244.040)

The following actions are prohibited regardless of whether potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:

1. No public official shall attempt to use or use official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses, or any relative of the public official, or for any business with which the public official or a relative of the public official is associated.
2. No public official or candidate for the office or a relative of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.
3. No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgement would be influenced thereby.
4. No public official shall attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.
5. No person shall offer during any calendar year any gifts with an aggregate value in excess of \$100 to any public official or candidate therefor or a relative of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.
6. No person shall attempt to represent or represent a client for a fee before the governing body of a district of which the person is a member. This does not apply to the person's employer, business partner or other associates.

Harassment

The Port of Siuslaw District strongly disapproves of, and does not tolerate, harassment of any kind. Commissioners, as well as employees, must avoid offensive and inappropriate behavior and are also responsible for assuring that the workplace of the Port of Siuslaw District is free from harassment at all times.

1. It is the policy of the Port that harassment on the basis of an employee's race, creed, color, national origin, age, sex, marital status, religious affiliation, or the presence of a physical, sensory, or mental disability, will not be permitted. Prohibited harassment includes comments, slurs, jokes, innuendos, cartoons, pranks, physical harassment, or any similar activities which are derogatory on the basis of the employee's protected class membership of which are promoted by the employee's protected class membership. Harassment also includes any negative actions toward an employee based upon that employee's participation in activities identified with, or promoting the interests or a protected group. Sexual harassment, whether on- or off-duty includes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. In addition, all such sexual conduct, whether welcome or not, is absolutely prohibited while an employee or volunteer is on duty. No personnel decisions shall be based upon an employee's response to such harassment. The Port regards duty-related harassment as a serious transgression and reason for discipline or discharge.
2. Employees have the right to be free from such harassment, either from co-workers, supervisors or commissioners while on or off the job. Harassment is prohibited by state and federal anti-discrimination laws where:
 - a. Submission to such conduct is either explicitly or implicitly a term or condition of employment or volunteer status;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for decisions relating to the individual's employment or volunteer status, or
 - c. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

REPORTING HARASSMENT

1. Should an issue of harassment be raised, all related matters will be kept confidential to the extent possible throughout the investigation, counseling and disciplinary stages. Any employee receiving notice of harassment shall notify the Port Manager, in writing, who will then direct an investigation and insure that the charge is resolved appropriately.

2. Any employee who feels harassed under this policy or is aware of the harassment of another employee is urged to report this to an immediate supervisor, or the Port Manager. The report may be formal or informal. A formal report shall include a written statement. If the individual believes he or she is being harassed by the Port Manager, is uncomfortable in discussing the matter with the Port Manager, or if the Port Manager is unavailable, the person involved shall notify the chair of the Port Commission. No complainant shall be retaliated against in any way for complaining of harassment.

INVESTIGATION OF COMPLAINTS

1. When the Port Manager or chair of the Port Commission is notified of alleged harassment, he or she will notify Port's legal counsel and will promptly investigate the complaint. The first pre-investigation step shall be to inquire of all persons reporting as to whether the record now includes all allegations of harassment. The investigation will include interviews with the directly-involved parties, and where necessary, any other parties who may have observed the alleged harassment or who may be similarly situated with the complaining party (such as co-workers who may be able to testify to their experience with the person who is accused of the harassment).
2. The investigator shall cause the person accused of harassment to be advised of the allegations, and afford him or her an opportunity to reply to the allegations orally or in writing. The accused person shall also be advised that any retaliatory conduct by him or her shall be subject to disciplinary action regardless of the truthfulness of the allegations of harassment. The results of the investigation shall be reduced to writing. A finding shall be made that there is or is not reasonable cause for disciplinary action. Nothing in this section shall limit the authority of the Port to modify its policies or practices to correct any appearance of sexual harassment without finding reasonable cause for disciplinary action or taking any disciplinary action. The report will also include any recommendations to remedy any harm which was suffered if the evidence shows that the person alleged to have been affected by sexual harassment was injured or harmed.
3. A report which finds reasonable cause for disciplinary action will be maintained in the personnel file of any employee subject to discipline. The employee may place in the employee's personnel file a statement of rebuttal or correction. For the purpose of this section, a former employee may also present such statement.
4. Where a complaint cannot be substantiated, a general warning shall be made to all employees and volunteers regarding the possible ramifications of a substantiated harassment complaint and all employees and volunteers will be asked to review the sexual harassment policy.

Port of Siuslaw Commission Duties

DUTIES OF THE DISTRICT COMMISSION

Recognizing the legal definition of its duties, the Board of Commissioners, in providing adequate and suitable maritime and marine-related services for the citizens of the Port of Siuslaw District shall consider its major responsibilities to be:

1. To select and employ a professionally trained and experienced Port Manager to administer the District.
2. To interpret the needs and desires of the constituents of the Port of Siuslaw.
3. To provide for the preparation and subsequent adoption of an annual budget.
4. To approve preliminary and final project plans and specifications, as well as acquisition and disposal of Port property.
5. To provide District facilities, equipment and supplies for implementing the District's programs, operations and maintenance.
6. To formulate and approve Ordinances and Resolutions for the Port.
7. To determine questions of policy.
8. To consider and act upon recommendations of the Port Manager in all matters of policy, salary schedules or other personnel matters of significance.
9. To require reports by the Port Manager concerning the conditions, efficiency and needs of the Port of Siuslaw District.
10. To inform the public concerning the progress and needs of the District and to solicit and consider public opinion as it effects the programs and services provided by the District.
11. To implement all actions required by law.

ORGANIZATION OF THE DISTRICT COMMISSION

1. The Commission shall consist of five members elected from within the Port District as provided for in ORS-777.135.
2. At the first Commission meeting in July of each year, there shall be elected a President, 1st Vice President, 2nd Vice President, Secretary, and Treasurer. Each officer so elected shall take office immediately and shall serve until the first

Commission meeting of the following year, or until his/her successor is elected and qualified to serve.

It is acceptable for any person to fill the same office for consecutive years. A member shall be eligible for more than two consecutive terms as president. New members of the Commission shall begin at Treasurer. If there is more than one new member of the Commission at any time, the new members shall be designated to such offices as the Commission shall determine.

3. If the President should resign or for any reason be unable to fulfill his/her obligation during his/her term of office, the 1st Vice President shall automatically fill the position of President. In the event any other office becomes vacant, the position found vacant shall be filled at the next regular meeting of the Board of Commissioners by nomination and vote of the remaining Commissioners. The member so elected shall hold that term of office only until July 1 next succeeding the next regular election held in this state.
4. The duties of the President shall be to preside at all meetings/work sessions of the Commission, to sign all documents which require a formal signature of the Commission, to create standing and special committees, and to appoint Commissioners to those standing and special committees. Commission concurrence will be requested on the creation of committees and the appointment to those committees. The President shall have a vote on all issues before the Commission and shall be called upon for the final individual vote on roll-call votes.
5. The 1st Vice President shall preside in the absence of the President and shall perform such other duties as may be assigned by the President. In the absence of the President and 1st Vice President, the 2nd Vice President shall perform the duties of the President.
6. A recording secretary who shall not be a member of the Board of Commissioners may be hired to take the minutes of Commission meetings as well as informal minutes when requested by the President to do so.

MEETINGS OF THE DISTRICT COMMISSION

1. The Commission shall establish a yearly calendar of regular monthly meeting dates and times at the first meeting of each new fiscal year. Regular meeting dates may be changed upon the majority vote of the Commission. Commission members shall attend all meetings faithfully except in cases of illness or when the absence has been approved by the President prior to such meeting(s).
2. Special meetings may be called by the President at any time or by any three members of the Commission. Notice thereof shall be given to every member not less than two (2) days in advance, if possible, unless such notice be waived by the members. No business shall be transacted at any special meeting which does not come within the

purpose or purposes set forth in the call for the meeting, unless all the members of the Commission are present and agree to the consideration of the additional items.

3. All meetings of the Commission shall be subject to the State of Oregon Public Meetings statutes. (ORS 192.620).
4. A quorum shall consist of a majority of the Commission. If the scheduled meeting time arrives and a recognized quorum is not assembled, the meeting may be officially cancelled after a fifteen (15) minute waiting period.
5. At an appropriate time during each public meeting, the members of the general public in attendance at the meeting shall be offered an opportunity for comment, or to bring issues before the Commission that may otherwise not have been included on the agenda. (Limited to five minutes per individual unless arrangements are made with the Commission President in advance).

Additionally, Commissioners may present topics or issues to the Commission that may not have been included on the agenda during that portion of the meeting set aside for New Business. In either instance, official action will be initiated only upon unanimous vote of the Commission to place the issue on the agenda for action at that time.

6. The order of business at a regular meeting of the Commission shall be:

- I. Call to Order
- II. Introductions
- III. Hearings from Citizens
- IV. Financial Review & Payment of Bills
- V. Old Business
- VI. New Business
- VII. Reports
- VIII. Correspondence
- IX. Adjournment

7. Listed below is the procedure which allows for any orderly discussion of each issue:

- a. Staff report and recommendation
- b. Motion and second (if appropriate)
- c. Comments or questions of individual commissioners
- d. Public comment in support (if appropriate)
- e. Public comment in opposition (if appropriate)
- f. Additional comments of individual commissioners
- g. Action

8. The pamphlet titled *Parliamentary Procedure Made Easier*, Oregon State University Extension Service, Extension Circular 947, reprinted January 1982, (a simplified

version of Robert's Rules of Order, shall be observed except as otherwise specified by these rules and regulations.

MINUTES OF MEETINGS

1. The Commission shall provide for at least one of the following for each of its meetings: sound recording, video recording, digital recording, or written minutes. Recordings and/or written minutes shall be kept in accordance with the provisions of ORS 192.650 and shall be made available to citizens desiring to examine them, subject to the State of Oregon Public Records statutes and Administrative Policy.

COMMITTEES

1. Special committees may be created by the President, with concurrence by the Commission. Committee members will be appointed by the President, with concurrence by the Commission. Whenever desirable, the Commission will function as a committee of the whole. Other committee members may be selected from the public when deemed desirable. The President will set time lines for each committee.
2. The functions of a committee shall be those designated by title. It shall be the responsibility of a committee to study topics referred to it and to make recommendations to the Commission for final action.
3. Special committees (ad hoc) may be created by the Commission for special assignments. When so created, such committees shall be appointed by the President and shall terminate upon completion of their assignments, or they may be terminated by a majority vote of the Commission attending any regularly scheduled meeting.
4. The Port Manager shall be eligible to attend any meetings of any standing or special committee except when his/her employment is under consideration.
5. Standing committees may be created by the President, with concurrence by the Commission. Committee members will be appointed by the President, with concurrence by the Commission.
6. All special and standing committee meetings will be subject to the State of Oregon Public Meetings and Public Records statutes.

AUTHORITY OF MEMBERS

1. The Commission shall not be bound in any way by any statements or action on the part of any individual Commissioner or employee, except when such statement or action is predicated on previous action taken or policy adopted by the Commission.
2. All business must be conducted at legal meetings. If a proposition or complaint comes to a Commissioner, he/she should be courteous, but should not commit the Commission. Routine matters should be referred to the Port Manager. Matters of policy should come before the Commission.
3. All District business brought to the attention of an individual Commission shall be handled in the following manner:
 - Be courteous to the constituent and determine whether the stated business shall be referred to the Port Manager or to the Commission.
 - Direct the constituent to either call the Port Manager or to appear at the next Commission meeting and discuss the matter with the entire Commission.
 - No District business decision is ever made by an individual Commissioner outside the official Commission meeting.

TRAINING, EDUCATION, AND CONFERENCES

1. It is the policy of the Port of Siuslaw to encourage Commission 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.
2. The Administrative Assistant is responsible for registration and lodging arrangements for Commissioners attending state, regional, and national conferences. Commissioners will make their own travel arrangements. Expense reporting forms will be forwarded to each Commissioner attending a conference.
3. When a Commissioner requests to attend a training or educational course, and that request is approved by the Board of Commissioners, the Administrative Assistant is responsible for the registration of the Commissioner.
4. Upon returning from conferences, seminars, workshops, etc., each Commissioner will either prepare a report or make a verbal report during the next Commission meeting detailing what was learned at the session(s) that will be of benefit to the District. Materials may be turned in to the Administrative Assistant to be included in the library at the Administrative office so that other Commissioners and staff may have access to them.
5. Commissioners are responsible for paying their own tuition for an educational course when requests are approved by the Board of Commissioners. Upon completion of

that course, the Commissioner will submit a request for reimbursement to the Administrative Assistant. The Administrative Assistant will fill out an authorization for payment, obtain the Port Manager's signature, and route the authorization to date services for processing. Copies of the authorization for payment will be forwarded to the Board of Commissioners.

LEGAL COUNSEL

1. An attorney shall be selected by the Commission. The Port Manager and the President of the Commission may request any legal advice that may be needed in handling or in dealing with matters pertaining to the welfare of the Port of Siuslaw District. Individual Commissioners should direct requests through the Port Manager and/or the President. The adequacy and cost/benefit of Port Legal Counsel shall be reviewed every three years or less if circumstances so dictate.

AUDITOR

1. An auditor shall be selected and appointed by the Commission and retained on a yearly retainer fee. The auditor must be a Certified Public Accountant and a member of the State Board of Accountancy roster authorized to conduct municipal audits. The Port Manager and the President of the Commission may request advice on any financial matters pertaining to the financial welfare of the Port of Siuslaw District. Individual Commissioners should direct requests through the Port Manager and/or the President. The adequacy and cost/benefit of the Port Auditor shall be reviewed every three years or less if circumstances so dictate.

INSURANCE AGENT(S) OF RECORD

1. An Insurance Agent(s) of Record shall be selected and appointed by the Commission. The Port Manager and the President of the Commission may request advice that may be needed in handling or in dealing with insurance matters pertaining to the welfare of the Port of Siuslaw District. Individual Commissioners should direct requests through the Port Manager and/or the President. Request for proposals for Insurance Agent of Record shall be solicited every three years.

BANKING SERVICES

1. Request for Proposals for Banking Services shall be solicited every three years. The Port Manager and the President of the Commission may request advice that may be needed for decisions regarding the finances of the Port of Siuslaw District. Individual Commissioners should direct requests through the Port Manager and/or the President.

Port of Siuslaw Commission Responsibilities

1. Communications

Develop regular channels of communication with commissioners and the staff.

Schedule regular meetings between the commission president and the Port Manager, the commission president and other commissioners.

Encourage participation of staff members on appropriate committees.

Develop procedures for bringing staff opinions and recommendations to the commission, as well as commission opinions and decisions to the staff.

Invite clients, other local governments, and groups to commission or committee meetings or other types of commission sponsored assemblies to explore and develop approaches to common concerns.

Recognize that information obtained at commission meetings may be non-public and confidential, making disclosure a breach of trust.

Make use of educational sessions, workshops and seminars to further understanding of issues.

Respect the opinion of other members and accept the principle of majority rule in commission decisions.

2. Financial

Approve the annual budget.

Monitor district finances and the budget, settling policy or taking action to ensure the fiscal integrity of the organization.

3. Policies, Objectives, and Plans

Approve the annual strategic plan or plan of operations.

Approve policies for the organization.

A commissioner's basic function is policy making – not administrative.

Develop and approve long-range plan of growth and development for the organization.

Approve specific important projects.

Approve any significant departure from established plans or policy.

Receive and pass on committee or other planning body recommendations.

Ensure that program objectives are assigned to the proper planning or implementing subgroups.

Where applicable, bring other local governments or community groups into the planning and decision-making process.

Approve contracts binding the organization.

Approve major changes in the district's organization or structure.

Approve commission plans of action.

Pass district resolutions.

4. Management

Select the district president and other officers.

Hire the Port Manager.

Define the duties and responsibilities for the president, Port Manager, officers, and major committee chairpersons.

Select legal counsel and consultants for the commission.

Authorize officers or commission 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.

Evaluate the performance of the Port Manager.

Approve the form and amount of reimbursement for commissioners.

Approve programs for management development.

Provide advice and consultation to management on matters within the purview of the commissioner's responsibilities.

Recognize that the Port Manager should have full administrative authority for properly discharging the duties of managing the operation within the limits of the established commission policy.

Give the Port Manager the respect and consideration due dedicated people in their community service role.

5. 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 commission get involved.

Approve contracts with and between any unions involved with the organization.

Do not allow personnel problems other than problems with the Port Manager to be brought into commission considerations.

6. Control

Identify types of information needed by the commission to analyze effectively the district's directions and achievement. Create a process for collecting and analyzing information.

Participate in regular physical visits to district assets.

Realize that the citizens within the boundaries of the district are the true "owners" of the district.

Review and assess the organization's performance against objectives, resources, plans, policies, and services rendered.

Analyze major "shortfalls" in achievement.

Identify obstacles, sense changing needs, propose new directions or goals.

Insure that the district is in compliance with all federal, state, and local laws.

7. Board of Commissioners

Motivate commissioners to accept positions of leadership and responsibility.

Appoint, change, or abolish committees of the commission.

Appoint, compensate outside auditors and legal counsel.

Approve contracts for professional services required by and for the commission.

Don not make commitments on any matter that should come before the commission as a whole.

Recognize that an individual commissioner has no legal status to act for the entire commission.

Realize that if a quorum of the commission meets, then the meeting is considered a public meeting and must comply with all the requirements of the Oregon Public Meetings Laws.

Discussions on matters of overall policy outside of regular commission meetings can violate the open meetings law.

8. Public Accountability

Encourage members of the public to attend open meetings.

Establish a place on meeting agendas for comments and presentations by members of the public.

Keep the public informed on all district matters.

Make decisions based on the wishes and needs of the public.

Spend the district's money with prudence and trust.

Place the needs of the public above the ambitions of the commission or the district.