

Board Member Duties and Responsibilities

(Chapter 3)

Revised: November 20, 2019

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INTRODUCTION

The authority given to a Special District, except as otherwise provided shall be exercised by a board of directors. Klamath 9-1-1 Emergency Communications District is required by law to have our board members elected from seven (7) zones throughout the county. 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

Districts have only those powers, which are expressed in, or necessarily implied from, Oregon Revised Statutes (ORS). Expressed powers are found primarily in each District's Principal Act (Oregon Revised Statute that governs their type of District). Implied powers are acts necessary to carry out expressed powers.

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. Acting without authority can cause personal and District liability. 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.

ELIGIBILITY FOR OFFICE

It is 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.

Additionally, the person being elected or appointed must reside within the District zone that they are seeking to represent on the board. The candidate must be in compliance with the board Ordinance 11-01 District Employee and Board Member Relationships. The candidate must be a registered voter in Klamath County. Elections will be conducted in accordance with ORS Chapter 255.

MAINTENANCE OF ELIGIBILITY

Board members must maintain their eligibility throughout their term of office. Primary residency within their specific zone is an eligibility requirement. If the board member moves out of that zone during the term of office they will lose his or her position on the board.

EMPLOYEES OR RELATIVES AS BOARD MEMBERS

The District adopted Ordinance 11-01 which restricts the eligibility of board members from being employees of the District or specific relatives of District employees.

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.

The Board of Directors will begin the process to fill any vacancy on the effective date of a resignation of a 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, in accordance with ORS 198.320.

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 of each year. At this meeting the board will elect officers which will consist of Chairperson, Vice Chair and Clerk each for a term of one year; make appointments to include but not limited to, Secretary, Budget Officer, and Attorney of Record; establish a meeting schedule, and adopt organizational procedures for that current year.

Unless otherwise provided, Robert's Revised Rules of Order govern procedural matters.

FORMS OF ACTION

When the board determines the need to take a specific action, this will be done by the use of a motion or resolution or by the adoption of written ordinance per ORS 198.500.

- 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.
- 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.

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. Attendance in person is preferred, however, a Board Member may attend via telephone on a conference call or other electronic method allowed in ORS 192.670 by making arrangements prior to the meeting.

BEING AN EFFECTIVE BOARD MEMBER

Each elected board member position is critical to shape and influence the decisions and actions of the Klamath 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.

EXPECTED ATTENDANCE

Regular member attendance is essential for complete zone representation from throughout Klamath County. As an elected official you are obligated to attend all meetings for essential representation and to maintain a quorum to ensure that the Board can function effectively.

Members are expected to notify the Board Clerk during the week preceding a regular scheduled board or committee meeting of their intentions to attend or with notification that they will be unavailable to attend. It is suggested that each board member evaluate their personal time available to commit to the District, prior to accepting a member position or during their elected tenure. Full board participation is paramount in the success of the District's board of directors.

QUORUMS

Official decisions require a majority vote of all board members (4 or more like votes), and that a quorum, consisting of at least four (4) board members exist to hold a meeting.

VOTING

When a vote is placed before the board, it requires a majority of the entire membership which is 4 or more like votes of the board to adopt a motion or resolution; a majority of a quorum is insufficient. For example a like vote of 3 out of 4 is insufficient.

ETHICS AND CONFLICTS OF INTEREST

Klamath 9-1-1 Communications District Board of Director's is committed to upholding the Code of Ethics outlined in Oregon Revised Chapter 244.

POTENTIAL OR ACTUAL CONFLICTS 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.

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.

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.

MEMBERSHIP

Klamath County has seven (7) designated electoral zones based on voter precinct. Each zone is authorized one (1) elected representative to the Board of Directors. The Board of Directors of the Klamath 9-1-1 Emergency Communications District shall consist of seven (7) members typically serving (1) four year term, with staggered terms. A newly elected Board Member may serve a two year term in order to fill a vacancy and maintain that the election of board members shall be conducted as provided by ORS Chapter 255.

QUALIFICATIONS

No person elected or appointed to the board shall be sworn in unless such person meets the qualifications for office set forth in Ordinance 11-1. If questions exist regarding the eligibility of any candidate, the board shall obtain an opinion from legal counsel prior to swearing in such person. Additionally, the person being elected or appointed must reside within the District zone that is available on the board. The candidate must be a registered voter in Klamath County.

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.

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.

Term of Office - Starting Date

Except where the board is filling a vacancy on the board, terms of office shall start on July 1.

VACANCIES

Vacancies on the board shall be filled by appointment by a majority of the remaining members of the board. Interested parties that meet the position qualifications will present themselves to the remaining board members for consideration. The period of service of a person appointed to fill a vacancy shall expire on the June 30 after the next regular District election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term of the position for which the appointment was made.

RESPONSIBILITIES

Communications

- Encourage participation of staff members on appropriate committees.
- Invite clients, non-board members, other local governments, and groups to board or committee meetings to explore and develop approaches to common concerns.
- Recognize that certain information obtained at board meetings may be non-public and

- confidential making disclosure a breach of trust.
- Make use of educational sessions, workshops, and seminars to gain a further understanding of issues.
- Respect the opinion of other members and accept the principle of majority rule in board decisions.

Financial

- Approve the annual budget.
- Monitor District finances and the budget, setting policy or taking action to ensure the fiscal integrity of the organization.

Policies, Objectives, and Plans

- Abide by and become familiar with all laws and policies governing the operation of the District.
- Approve policies for the District.
- A board member's basic function is policy making - not administrative.
- Develop and approve long-range plan of growth and development for the District.
- Approve contracts binding the District.
- Pass District resolutions, or adopt ordinances.

Management

- Hire the District Executive Director.
- Define the duties and responsibilities for the District Executive Director.
- Select legal counsel and consultants for the board.
- Authorize the District Executive Director to enter into contracts or to sign other written instruments and to take financial actions.
- Evaluate the performance of the District Executive Director.
- Approve the form and amount of reimbursement for board members.
- Recognize that the District Executive Director should have full administrative authority for properly discharging the duties of managing the operation within the limits of the established board policy.
- Give the District Executive Director the respect and consideration due to dedicated people in their community service role.

Employee Relations

- Approve contracts with and between any unions involved with the District.
- Do not allow personnel problems, other than problems with the District Executive Director, to be brought into board considerations.

Control

- 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, and propose new directions or goals.
- Ensure that the District is in compliance with all federal, state, and local laws.

Board of Directors

- Appoint, change, or abolish committees of the board.
- Define powers and responsibilities of committees of the board.
- Appoint and compensate outside auditors and legal counsel.
- Approve contracts for professional services required by and for the board.
- Recognize that an individual board member has no legal status to act for the entire board.
- 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.

Public Accountability

- 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 board or the District.

ORIENTATION

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 will meet with the Executive Director and Board Chairperson for a briefing and tour of the District facilities.
- The Board Chairperson shall give each new board member:
 - An updated copy of the District's 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 six (6) months.
 - Copies of the District's current budget

OFFICER DUTIES

Duties of the Chair

The chairperson 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 chair to consult with the District Executive Director regarding the preparation of each board meeting agenda. The Board Chair will participate in the orientation of new Board Members. The chair shall have the same right as other members of the board to discuss and to vote on questions before the board. The chair may call special meetings of the board as described by ORS Chapter 192. The chair 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-Chair

In the chair's absence the vice-chair shall have the powers and duties of the chairperson of the board as prescribed by District policy.

Duties of the Clerk

The duties of the Clerk shall consist of monitoring and reporting on Board correspondence, activities and attendance relating to members of the board; oversee board training and orientation records.

ADVISORY COMMITTEE

A group shall be formed to be known as the Klamath 9-1-1 Emergency 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 Klamath 9-1-1 Emergency 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 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 committee shall review the annual budget of the District. The advisory committee shall meet with the District board and may make such recommendations relating to the budget as the committee considers necessary and prudent.

The duration of this committee shall be continuous.

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:

- a) One Fire Representative
- b) One Law Enforcement Representative

- c) One Emergency Medical Representative
OR A minimum of five (5) Committee members

Meetings shall be held quarterly at the District office. Special meetings shall be called by the District board when necessary.

No meeting shall be closed to the public.

Unless noted otherwise, all proceedings shall be called by the Chairperson and guided by *Robert's Rules of Order*.

Nothing in these regulations shall conflict with applicable Oregon law.

It is expressly herein understood that the function of this committee is research, recommendation and explicitly to offer advice to the Klamath 9-1-1 Emergency Communications District board.

It shall not have the effect of District's policy until so adopted, endorsed and ordered by the board.

HARASSMENT

The District will work to eliminate and prevent harassment and to alleviate any effect harassment may have on the working conditions of an employee. All harassment of any employee is forbidden, including unsolicited remarks, gestures or physical contact, display or circulation of derogatory written materials or pictures regarding either gender or disability or racial, ethnic or religious groups, and personnel decisions based on an employee's response to such harassment. The District regards job-related harassment as a serious transgression and reason for discipline or discharge. This policy applies to all employees, elected officials, board or commission members, volunteers, interns and any other person we interact with in the course of accomplishing the work of the organization.

The policy of the District is that every employee has a right to be free of harassment or hostile or offensive conduct directed at another. In response to formal reports of harassment, the District will protect all parties involved from retaliation, false accusations, or future harassment, and where indicated, will take prompt and adequate remedial measures.

Discrimination, harassment and retaliation are not acceptable.

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 supervisor or manager receiving notice of harassment shall notify the Executive Director, or the Operations Manager who will direct an investigation and ensure that the charge is resolved appropriately.

SEXUAL HARASSMENT

Sexual harassment constitutes discrimination and is illegal under federal and state laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either

explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Oregon Law provides further protection from sexual assault defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

REPORTING HARASSMENT, DISCRIMINATION OR RETALIATION

Any employee who feels that he/she is the object of offensive harassing behavior or is aware of harassment, discrimination or retaliation of another employee is urged to report this to an immediate supervisor, Operations Manager or the Executive Director. The report may be informal or formal.

In addition, we encourage individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it stop. Often this action alone will resolve the problem. We recognize, however, that an individual may prefer to pursue the matter through complaint procedures.

We prohibit retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

RESPONSE TO REPORTS

The District will investigate and promptly take remedial action if deemed appropriate. Reports concerning harassment will be forwarded to the Executive Director unless there is an allegation against that person, and if so, then written reports will be forwarded to the Chairperson of the board of directors who will delegate the matter to the District's legal counsel. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees, including department heads. Whenever supervisory employees become aware of allegations of harassment, they will make a written record of the allegations and will forward the record to the District in accordance with this policy.

Following receipt of a complaint or concern management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. Employees should not wait for the management follow-up to share related experiences. If an employee would like the follow-up to discontinue the follow-up process a request must be submitted in writing to their supervisor or

operations manager.

INTERNAL REPORTS INVESTIGATION

The Executive Director or the Operations Manager will begin an investigation if necessary. 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 be conducted promptly on a priority basis. The investigation will be directed at ascertaining the facts concerning the allegations. We encourage employees to document the event(s), associated date(s), and potential witnesses.

The investigator shall cause the person reported to have harassed an employee to be advised of the allegations and to afford such person an opportunity to reply verbally or in writing. The employee shall also be advised that any retaliatory conduct will be subject to disciplinary action regardless of allegations of harassment.

The results of the investigation shall be written. 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 District to modify 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 the situation and prevent similar future incidents.

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 have placed in the personnel file a statement of rebuttal or correction. For the purpose of this section, a former employee may present such statement.

The District encourages the prompt reporting of complaints or concerns so that quick and helpful action can be taken before relationships become irreparably broken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four years of the alleged violation.

EXTERNAL COMPLAINT PROCEDURES

We encourage employees to bring their concerns and complaints to the organization, and understand that, at times, this may not be the choice of the employee. Below is a list of the external complaint options. Please reach out to the preferred choice to determine the appropriate timelines for their processes.

- Oregon Bureau of Labor and Industries at the following web address:
https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

EMPLOYMENT AGREEMENTS

No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of

agreement and, upon request, will be provided at least seven (7) days to change their mind.

ADDITIONAL EMPLOYEE SUPPORT SERVICES

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The organization provides the following for additional assistance:

- Solutions Employee Assistance Program (Skylakes Program)
- Public Safety Employee Assistance Program (SDIS Program)

WHISTLEBLOWER PROTECTION

Should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.

The District encourages any employee with knowledge of or concern of an illegal or dishonest fraudulent District activity to report it to the Executive Director. The employee may also provide the information to the Operations Manager or a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by the District may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. For any employee wishing more information, further details can be obtained from the Executive Director.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.

Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The District will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Executive Director immediately. The right of a whistle blower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Executive Director who is responsible for investigating and coordinating corrective action.

