

Ash Creek Water Control District



Board Training

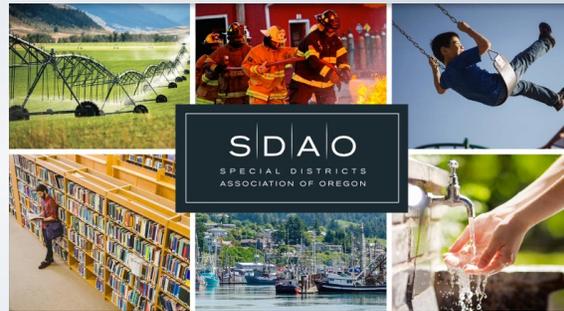
April 3, 2025



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Today's Topics

- About Special Districts
- District & Board Authority
- Board Expectations
- Public Meetings
- Ethics
- SDAO Resources
- Planning



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About Special Districts



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About Special Districts

What is a Special District?

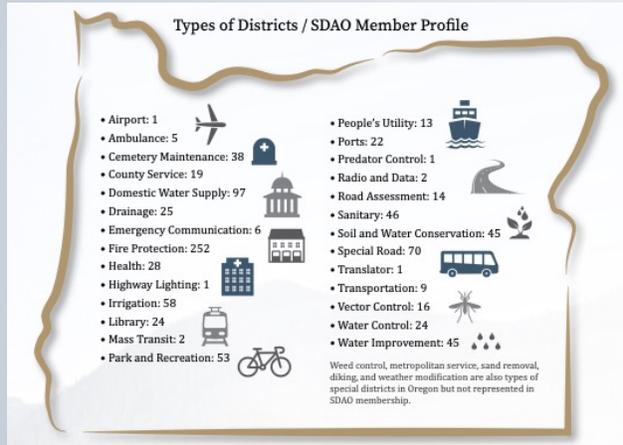
A form of local government (a public agency) created to meet specific needs

- Over 1,000 special districts in Oregon
- Currently 34 types of districts in Oregon
- Extend across city and county jurisdictional boundaries
- Statutory authority to ...
 - Sign contracts, employ staff, acquire real property
 - Issue bonds, impose taxes, levy assessments, charge fees
 - Sue and be sued

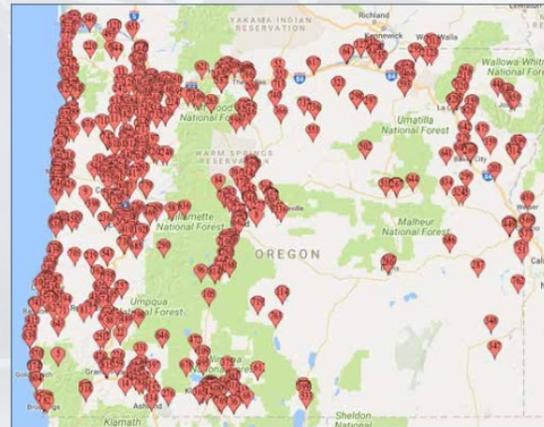
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About Special Districts What is a Special District?



OREGON SPECIAL DISTRICTS MAP



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About Special Districts About SDAO

Special Districts Association of Oregon

To assist special service districts in providing cost-effective and efficient public services to the people of Oregon

- Formed in 1979 to provide strong and united voice
- Provides advocacy at federal, state, and local levels
- Provides training, information resources, and support programs
- Operates as 501(c)(6) not-for-profit corporation
- Governed by 12-member board of directors
- Over 900 local government members
- Sister organization is Special Districts Insurance Services (SDIS)

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About Special Districts

About SDAO Consulting Services Program

- Experienced industry professionals
 - Range of experts and expertise
- Provides management advice, guidance, and support services
 - Does not include professional engineering, audit, or attorney services
- Provides guidance, oversight, training, and assessments
- Why?
 - To reduce risk, improve service, support future planning



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About Special Districts

About Mark Knudson

- Senior Consultant with SDAO Consulting Services
- Over 40 years of public utility management experience
 - Retired CEO of Tualatin Valley Water District
 - Former Director of Operations for Portland Water Bureau
- Professional Engineer (Civil & Environmental)
- Certified Water Distribution and Treatment Operator (WD4 & WT3)
- Former Board Member Business Oregon Infrastructure Finance Authority
- Former Board Member for Oak Lodge Water Services



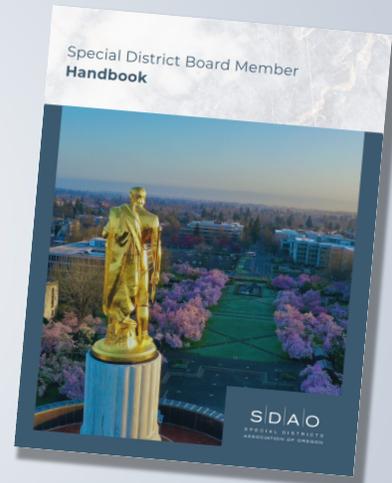
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District & Board Authority



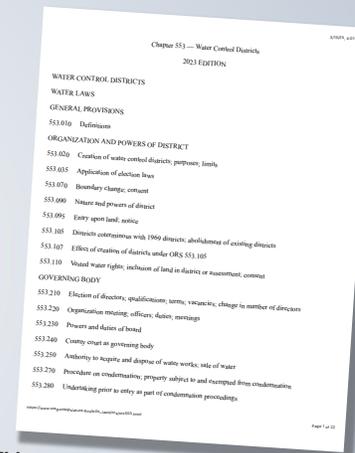
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District & Board Authority District Authority

Expressed powers as provided by statute

- Principal Act of Water Control Districts ORS 553
 - Formation & dissolution of district
 - Nature and powers of district
 - Powers and duties of board
 - Election of directors
 - Number and terms of directors
 - Authority to acquire and dispose of water works
 - Assessments, funding, bonding & taxation authority
 - Foreclosure and condemnation authority



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District & Board Authority

District Authority

Implied powers to carry out expressed powers:

- Purchasing supplies
- Employing staff
- Entering contracts
- Incidental tasks relating to exercise of authority

Narrower authorities than cities, counties, or Metro

- Do not have “home rule” charter authority
- Do not have general welfare powers

District & Board Authority

District Authority

Must comply with other applicable statutes such as:

- Intergovernmental Agreements (ORS 190)
- Public Records, Public Meetings (ORS 192)
- Election of Directors, Recall (ORS 198)
- Ethics (ORS 244)
- Elections (ORS 255)
- Contracts, Procurements, Public Improvements (ORS 279A, B, C)
- Budget (ORS 294)
- And many, many more

District & Board Authority

Board Authority

- Serves the best interests of community and constituents
- Sets policy and direction of District
- Policy and direction set by Board Action
 - Must be at a properly called public meeting
 - Requires a quorum to be present
 - Requires approval by majority of the board
 - Votes taken publicly - no secret ballots



District & Board Authority

Board Authority – Legislative Authority

Authority to establish policy and strategic direction of District

- Examples: establishing District budget, capital plan, rules & regulations, policies, inter-governmental agreements
- Ordinance = local law
 - Authority to enforce / formal adoption procedures
- Resolution = statement of policy
 - Governs internal operations / simple adoption procedure
- Board CAN NOT delegate Legislative Authority

District & Board Authority

Board Authority – Administrative Authority

Authority to implement Board-established policies, practices and procedures to guide day-to-day administration of organization

- Examples: HR practices, staff position descriptions, purchasing procedures, financial procedures, operating standards, administrative procedures
- Board CAN (*and should when possible*) delegate Administrative Authority to staff or professionals ... delegation requires formal Board Action

Just because you can doesn't mean you should:

SDAO Recommendation: ***“Board members should use caution in exercising administrative power because of the potential of liability, workers’ compensation issues, staff morale issues, and other considerations.”***

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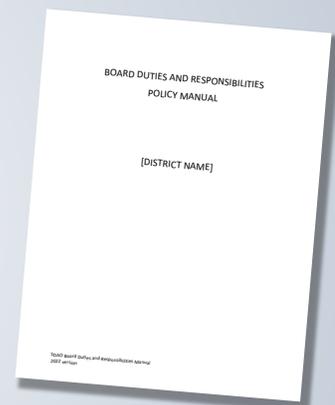
District & Board Authority

Board Member Rights & Duties

Establish and Comply with District Board Policies

- Board Members, Oath of Office, Board Officers
- Board Meetings, Ground Rules
- Meeting Minutes
- Committees
- Administration
- Ethics & Conflict of Interest Policy
- Communications with Media & Staff
- Budget Process
- Board Member Development, Training & Travel

SDAO Template: adapt to district, adopt by Resolution
Board Member Acknowledgement and Commitment



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District & Board Authority Board Member Rights & Duties

Plan and Manage Facility Maintenance & Improvements

- Facility Master Plan
- Asset Management Plan
 - Condition assessment & maintenance history
 - Vulnerability and criticality assessment
- Prioritization of system improvements & capital maintenance
- Financial planning – financial resources & timing



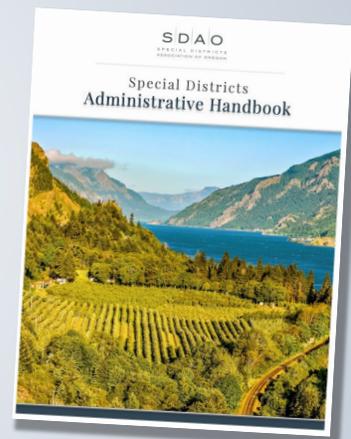
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District & Board Authority Board Member Rights & Duties

Understand Administrative Policies & Procedures

- Human Resources, Hiring
- Harassment, Discrimination & Retaliation
- Ethics & Conflicts of Interest
- Public Records; Retention & Access
- Public Engagement & Communication
- Travel & Expense Reimbursement
- Public Contracting & Procurement
- Information & Technology Security
- Financial Management Policies
- Accounting Systems, Accounting Policies & Procedures
- Internal Controls Policies & Procedures
- Audits & Financial Reports
- Budget Process & Documents



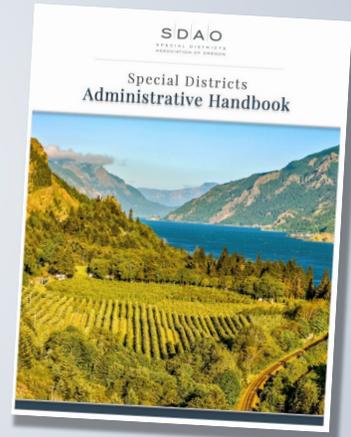
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District & Board Authority Board Member Rights & Duties

Really? We need all these polices?

- Policies provide structure & processes that support effective planning, informed decision-making & accountability
- Fiduciary responsibility rests with the Board
- Board Members can be found personally liable for repayment of unlawful expenditure of public funds (ORS 294.100)



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District & Board Authority Board Member Rights & Duties

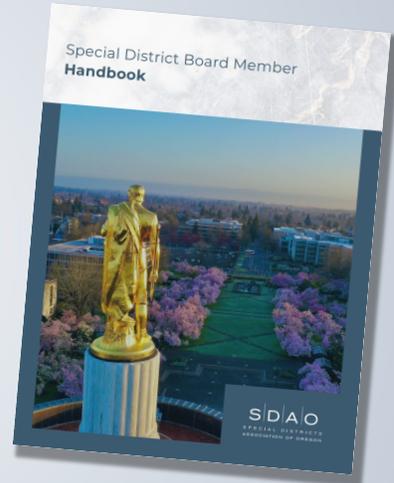
Office becomes vacant if Board Member ...

- Recalled
- Dies or resigns
- No longer meets qualification required for position to which he/she was elected or appointed
- Convicted of an infamous crime, or any offense involving the violation of the oath of office
- Has election or appointment declared void by a competent tribunal
- Is found to be a mentally diseased person by a competent tribunal
- Is "a member of, or affiliated with, any organization which teaches the doctrine of, or advocates, the overthrow of the Government of the United States by force or violence." (ORS 236.030)
- Agrees to engage in, or does engage in, a duel, or "curry a challenge" to a duel to another person (Or. Const. Art. II, Section 9)

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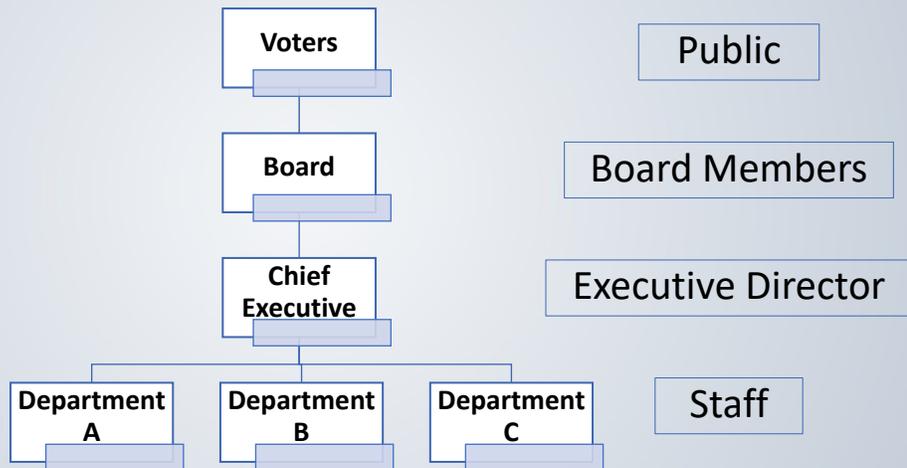
Board Expectations



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Board Expectations The Framework – It Seems So Easy



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Board Expectations The Framework – Key Roles

- 1. Public**
 - Elects/Appoints Board Members, holds Board accountable
 - Provides input and feedback on Board-established policies
- 2. Board**
 - Establishes policy and strategic direction of District by Board Action
 - Hires ED, oversees ED's performance, holds ED accountable
- 3. Executive Director**
 - Implements Board-established policy
 - Collaborates with Board; provides timely information to support decisions
 - Hires staff, oversees staff's performance, holds staff accountable
- 4. Staff**
 - Implements ED's direction, collaborates with ED

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Board Expectations The Framework – Why We Get Confused

- Organizations with different governance frameworks
 - Charter authority of Mayor, Commissioners, Council, Board, Chair, or Commission
- Differences in authority of positions
 - Mayor & City Council versus Board Chair & Board Members
- Individual motivations
 - "I am just trying to help" (or "... save us some money" or "... offer my expertise")
- Encouraged by public or staff
 - "A member of the public (or staff) suggested I look into this"
- "We've always done it this way"

Board Members' authority comes through the Board

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Board Expectations

The Framework – Guiding Principles

1. The Board's authority comes from the public
 - *The Board is accountable to the public*
2. Board Members' authority comes through the Board
 - *Board Members generally do not have authority to act alone*
3. The Board has one employee: the ED
 - *The ED is accountable to the Board*
4. The staff works for the ED
 - *Staff is accountable to the ED*

Board Expectations

Expectations of Board Members

- Get Oriented ... understand the statutes and policies
- Be Present, Prepared and Informed ... for every meeting
- Be Honest, Courteous & On Time ... all the time
- Be Respectful ... of Board Members, staff, organization & public
- Represent Board Positions and Board Actions
- Respect Limitations of Board Role ... work through the ED
- Collaborate with ED ... seek ED's judgement & advice

Board Expectations Characteristics of Effective Boards

Act in the best interests of the community & District

Clarity and alignment with District's ...

- Vision, mission and values
- Strategic Plan

Creative and collaborative partners

- Mutual respect; treats all Board Members as equals
- Respect for roles of Board, ED & staff

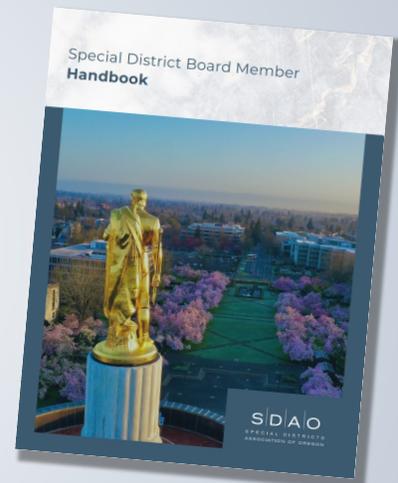
Commitment to collective accountability

- ED performance, Board performance & District performance

Commitment to communication; no secrets, no surprises



Public Meetings



Public Meetings Application of the Law

Mandatory Public Meeting Training

This training **DOES NOT** satisfy ORS 192.700, which requires training for governing body members if the governing body has total expenditures of \$1 million or more - additional training is required to satisfy this requirement

Oregon Govern Ethics Commission charged with oversight and enforcement of public meetings law

Public Meetings Application of the Law

Purposes of Public Meetings Law

- To open meetings of governing bodies to the public
- To give notice of the time and place of meetings
- To make meetings accessible to those wishing to attend

A Public Meeting is

- Any meeting where a quorum of the decision-making body is present and is discussing or “deliberating toward decision” on a matter of District business
- Any meeting of a body formed to advise a public body is a public meeting

Public Meetings Board Meetings

Public Meetings must be appropriately noticed

- At least 24 hours before meeting: must include topics to be discussed (agenda)
- Public posting: at building entrance, website, bulletin boards, press releases
- Interested persons: mailing lists
- Paid advertising is NOT required

Limitations on communications between Board Members

- No decisions or deliberations leading to decision outside of public forum
- No serial meetings
- Limitations and risks of email and text messages

Public Meetings Board Meetings

Meeting Safety and Security

- Review and update existing Board Policies, as needed
 - Disruptive behavior & inappropriate language will not be tolerated
 - Presiding Officer's authority – offenders will be asked to leave
- In-Person Attendees
 - Ask person to leave / request law enforcement support, as needed
 - Board votes to end meeting immediately and reschedule, as needed
- Virtual Attendees
 - Require written comments in advance
 - Terminate connection immediately, as needed

Public Meetings Executive Sessions

Executive sessions can be called only for topics defined in ORS 192.660(2)

- a. To consider employment of public officer, employee, staff member or agent
- b. To consider dismissal or discipline of public officer or employee who does not request open hearing
- c. To consider matters pertaining to function of medical staff of public hospital
- d. To conduct deliberations with persons designated to conduct labor negotiations
- e. To conduct deliberations with persons designated to negotiate real property transactions
- f. To consider information or records exempt by law from public inspection
- g. To consider matters of trade or commerce in competition with other states or nations
- h. To consult with legal counsel to discuss litigation filed or likely to be filed
- i. To evaluate the performance of the CEO, officer or employee who does not request open hearing
- j. To negotiate under ORS 293 with private persons or businesses regarding public investments
- k. To discuss matters of school safety or safety threats made toward a school
- l. To consider information from of investigations by a health professional regulatory board
- m. To consider information from of investigations by the State Landscape Architect Board
- n. To discuss information relating to security programs (limited to 5 specific programs)

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Public Meetings Keys to Success

Tips for preparing for an effective board meeting:

- Plan the meeting ... develop the agenda and organize the content
- Review the material in advance ... be prepared
 - Ask clarifying questions of staff in advance if possible
- Know and follow public meetings law
 - No meetings or deliberations outside of the public forum
- Treat members of board, staff, and public with respect
 - Avoid “public squabbles” between Board Members and with staff
 - Limit “public debate” with members of public

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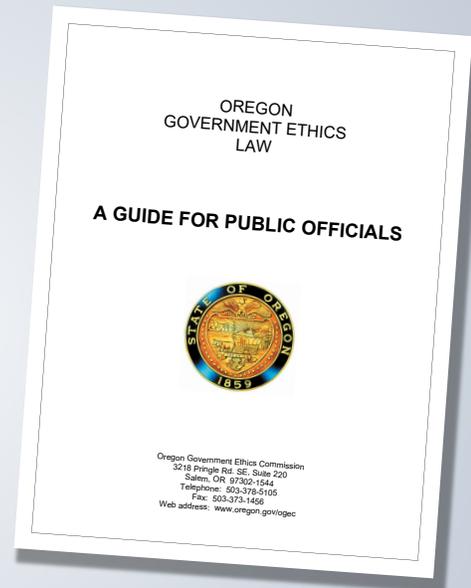
Public Meetings Keys to Success

Tips for conducting an effective board meeting:

- Have a leader - be a leader
 - Board Chair/President conducts the meeting
 - Follow the agenda
 - Encourage all Board members to participate
- Formalize decisions
 - Motions & seconds for all Board Actions
 - Publicly discuss & deliberate
 - Publicly state your vote
- Once the decision has been made ... move on

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Ethics



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Ethics

Application of the Law

Ethics laws apply to all Public Officials

- Elected, candidates, appointees, staff, volunteers, and relatives

Scope of “relatives” is extensive

- Spouse; parent, stepparent, child, sibling, stepsibling, son-in-law, daughter-in-law of the public official, or of the public official’s spouse; any individual for whom the public official has a legal support obligation; or who benefits financially from the public official’s employment with the public entity

Government Ethics Commission

- Governor Appointed (Peers)
- Oversight and enforcement role

Ethics

Application of the Law

No nepotism:

- A public official may not appoint, employ, or promote a relative to a paying position within the public body
- Exceptions:
 - Volunteers
 - Complies with conflict-of-interest procedures
 - Legislative staff

A public official cannot directly supervise a relative

Ethics Financial Gain

Public Officials may NOT:

- **Use or attempt to use** position or office to obtain a **personal financial gain or avoid a personal financial detriment** if the opportunity would not otherwise be available **but for their official position or office** ... including gain by public official's relatives, members of household, and businesses
- Accept gifts that exceed \$50 from a source that has a **legislative or administrative interest** in the public official's governmental agency

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Ethics Gifts

Public Officials may NOT:

- Accept the payment of expenses for **entertainment** nor can a source offer such paid expenses (with exceptions)
- Solicit or accept **honoraria** (with exceptions)
- Solicit or accept the offer, pledge or promise of **future employment** based on any understanding that a vote, official action or judgment would be influenced by the offer
- Use or attempt to use **confidential information** gained through their position for financial gain (applies to former public officials)

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Ethics

Conflicts of Interest

- Actual Conflict
 - You and/or a close family member will benefit
- Potential Conflict
 - You and/or a close family member may benefit
 - You and/or a close family member will not benefit ... but assumed you might

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Ethics

Penalties

- Most penalties \$5,000 per violation
- Fine for violation of executive session law \$1,000, but excused if decision made in reliance on advice of public body's legal counsel
- No penalty if official or candidate relied in good faith on Ethics Manual or Ethics Commission opinion

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SDAO Resources



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SDAO Resources Training & Additional Resources

- **Board Member Duties, Liabilities & Responsibilities:** Full-day training for board members and management staff - includes comprehensive review of laws and regulations governing Oregon's special districts and public officials.
- **Board Member Relations, Expectations & Ethics:** Training for board members and management staff – to build strong relationships on your board and a better understanding of rules regarding ethics for public officials

Fall 2025

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SDAO Resources Training & Additional Resources

- **Online Training & Webinars:** Online Risk Management Training Series / First Thursday 20-minute webinars (safety, regulations, HR, goal-setting, COVID, etc.)
- **Best Practices Training Credits:** Five opportunities to earn 2% discount up to a maximum 10% discount (Affiliate Organization Membership, SDAO/SDIS Training, Best Practices Checklist, Ethics and/or Employee Policy, Public Meeting Training)
- **SDAO Board Practices Assessment:** Facilitated self-assessment of Board Practices to identify potential risks of District governance & administration



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SDAO Resources Training & Additional Resources

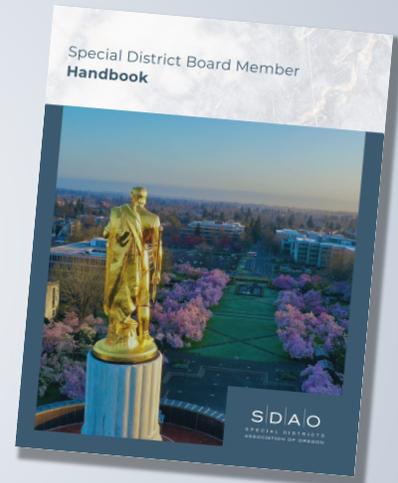
2026 SDAO Annual Conference February 5-8, 2026 - Seaside, OR

- *20 Training & Education Sessions*
- *Caucus Meetings & SDAO Board Member Nominations*
- *Exhibitor Trade Show*
- *Annual Business Meeting & Board Member Elections*



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Summary



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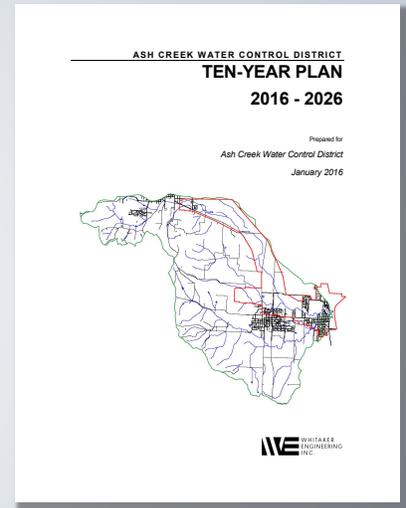
Summary Make the Most of Your Opportunity

- Understand and respect the legal framework (ORS 553)
- Decisions and policy are made by the Board – not individuals
- Take the time to get oriented – understand roles, duties & policies
- Be present, prepared, and informed – for all meetings
- Be honest & courteous – with Board members, staff & public
- Maintain a commitment to accountability – by Board members & staff
- Practice preventative maintenance – invest in Board members & staff
- Communicate, communicate, communicate – with Board, staff & public

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Planning



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Planning Why Prepare a Plan?

- **Define Organizational Direction** ... to achieve established goals
- **Increase Alignment** ... with stakeholders and within organization
- **Increase Organizational Efficiency** ... focus limited resources
- **Monitor Performance** ... measure progress against metrics & goals
- **Increase Accountability** ... by individuals and organization
- **Meet Statutory Requirements** ... for permit requirements, ports



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Planning

What Planning Isn't (or doesn't need to be)

- A report that gathers dust
- Complex
- Expensive
- A “Kumbaya” moment
- A unilateral directive



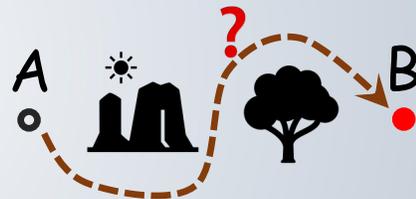
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Planning

The Planning Process

1. Where Are We?
2. Where Are We Going?
3. How Will We Get There?
4. Are We There Yet?

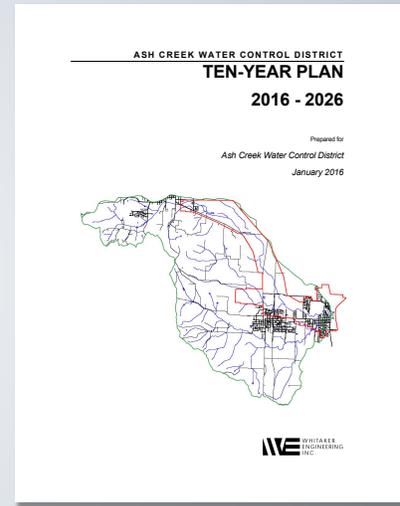


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Planning Ash Creek WCD's Ten-Year Plan

- **Existing Conditions** - *Where are we?*
 - What's working / what's not working / what changed
 - Flood modeling
 - Permit requirements
- **Mission** - *Where are we going?*
- **Objectives and Goals** - *Where are we going?*
- **Implementation Plan** - *How do we get there?*
 - Priorities and schedules
 - Funding requirements / funding opportunities
 - Coordination, communication & outreach plan



Q&A Discussion