

# **Special Road District Protocol**

### Special Road District Board Members

Pursuant to ORS Chp. 371 the qualifications for appointment of a road district member are: (1) elector in the district; and (2) take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of the person's knowledge and ability

ORS does not provide a specific process or basis for removal of appointed road district members. However, as the appointing authority, the BOCC has inherent powers to remove any of its appointments. The process employed by Deschutes County is as follows: upon receipt of a written complaint from an elector within the subject district, County staff sends a copy of the complaint to the district\* and directs the district to provide a written response to the County within a stated period of time. County staff reviews the response and determines whether the allegations and response merit a hearing before the BOCC. County staff then responds to both the complaining party and the district – either scheduling the hearing or explaining why no hearing will be held.

If a hearing is conducted, the BOCC will utilize the process described in ORS 215.030. That process allows that the appointing authority may remove the appointed member *only after a hearing for misconduct or nonperformance*. Removal criteria will track qualification criteria. Most relevant will be confirming "elector" status of the board member and the ability of the board member to "well and faithfully perform the duties of office to the best of the person's knowledge and ability." In addition, the BOCC will review and consider evidence of the following: (a) a change in elector status; (b) missing board meetings; (c) self-dealing; (d) ineptitude; (e) misappropriation of funds; (f) conduct which exposes the district to unreasonable risk of liability; (g) disruptive behavior at board meetings.

If an elector within the district wants to proceed with this procedure, he/she needs to send the written complaint, including all supporting evidence to the attention of County Legal. County Legal will then share the complaint and supporting evidence with the district and request a written response to same. Thereafter county staff will decide whether or not to schedule a hearing. T

\*-the transmittal could be the entire district board, or just the board president or secretary.