

SCOPE, AUTHORITY AND ORGANIZATION
OF THE STAYTON RURAL FIRE PROTECTION DISTRICT

CHAPTER I: NAME AND BOUNDARIES

Section 1. NAME. The Stayton Rural Fire Protection District #4, in Marion and Linn Counties, State of Oregon is a rural fire protection district as organized under ORS Chapter 478, and operationally shall be known as “Stayton Fire District”.

Section 2. BOUNDARIES. The district shall include all territory encompassed by its boundaries as now existing or hereafter modified by voters, by the Board of Directors, or by any other agency with legal jurisdiction. The District Clerk shall maintain at the District headquarters at least two copies of an up-to-date description of the District boundaries. The copies and description shall be available for public inspection at any time during regular office hours.

CHAPTER II: POWERS

Section 1. POWER OF THE DISTRICT. The District shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow districts, as fully as though this manual specifically enumerated each of those powers.

CHAPTER III: FORM OF GOVERNMENT

Section 1. WHERE POWERS VESTED. Except as otherwise provided in this manual, all powers of the District shall be vested in the Board of Directors.

Section 2. BOARD OF DIRECTORS. The Board shall be composed of five directors nominated and elected from the District at large.

Section 3. DIRECTORS. The term of director is four years. The Board of Directors shall fill any vacancy on the Board as provided in ORS 198.320.

Section 4. OFFICERS. At the organizational meeting in July of each year, the Board shall choose from the members a President, Vice-President, and Secretary. Officers shall hold their offices until the first regular meeting in July following or until their successors are elected and qualified. They shall have the powers and perform the duties usual in such cases. In the absence of the President, the Vice-President or, in the absence of both, any other member of the Board may preside at any meeting.

Section 5. COMPENSATION. A member of the governing body of a district may receive 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.

Section 6. QUALIFICATION FOR DIRECTORS. A Director shall be an elector or an owner within the District.

CHAPTER IV. BOARD

Section 1. MEETINGS. The District Board shall hold meetings at such time and place within the District as it determines. It shall hold at least one regular meeting in each month on a day fixed by the Board, and may hold special meetings under such rules as it may make. It shall adopt rules for the government of its members and proceedings. The President upon his own motion may, or at the request of two members of the Board shall, by giving notice thereof to all members of the Board present in the District, call a special meeting of the Board for a time not earlier than three nor later than forty-eight (48) hours after the notice is given. Special meetings of the Board may also be held at any time by the common consent of all the members of the Board.

Section 2. QUORUM. A majority of the members of the Board shall constitute a quorum for business.

Section 3. RECORD OF PROCEEDINGS. The Board shall cause a record of its proceedings to be kept in accordance with the requirements of the Oregon Public Meetings law. The minutes shall include the results of all votes and the vote of each member by name.

Section 4. PROCEEDINGS TO BE PUBLIC. The Board shall comply with the Oregon Public Meetings law and all meetings shall be open to the public unless otherwise permitted to be heard in executive session by Oregon law.

Section 5. VOTE REQUIRED. Except as otherwise provided in this manual, the concurrence of a majority of the members of the Board present at Board meeting shall be necessary to decide any question before the Board.

CHAPTER V. POWERS AND DUTIES OF OFFICERS

Section 1. PRESIDENT. See Chapter 3: DUTIES OF BOARD OFFICERS

Section 2. VICE PRESIDENT. See Chapter 3: DUTIES OF BOARD OFFICERS

Section 3. SECRETARY. See Chapter 3: DUTIES OF BOARD OFFICERS

Section 4. FIRE CHIEF

A. Qualifications. The Fire Chief shall be the administrative head of the District government. He shall be chosen by the Board without regard to political considerations and

solely with regard to his executive and administrative qualifications. He need not be a resident of the District or of the State at the time of his appointment but shall promptly become and shall during his tenure remain a resident of the District.

B. Term. The Fire Chief shall be appointed for an indefinite term and may be removed at the pleasure of a majority of the Board. Upon any vacancy occurring in the office of Fire Chief after the first appointment pursuant to this manual, the Board at its next scheduled meeting or special meeting shall adopt a resolution of its intention to appoint another Fire Chief. Not later than six (6) months after adopting the resolution the Board should appoint a Fire Chief to fill the vacancy.

C. Powers and Duties. The powers and duties of the Fire Chief shall include, but not be limited to those listed below.

The Fire Chief shall:

1. Devote his time to the discharge of his official duties, attend all meetings of the Board unless excused there from, keep the Board advised at all times of the affairs and needs of the District, and make annual reports and reports as requested by the Board, of all affairs of the District
2. Be responsible for all equipment and properties of the District, and will exercise general supervision for its use
3. See that all ordinances are enforced and that provisions of all franchises, leases, contracts, permits and privileges granted by the District observed
4. Appoint all assistants, officers and employees; shall have the right to remove them for good cause, and shall have general supervision and control over them and their (SOP Job Description) work, except as otherwise provided in this manual
5. Supervise and approve all purchases made in the name of the District, and will prepare or cause to be prepared plans and specifications for work and equipment coming under this supervision as ordered by the Board
6. Be responsible for preparing and submitting to the Budget Committee of the Board annual budget estimates and such reports as the Committee requests
7. Have full custody, care and management of all fire apparatus, automobiles, hose, equipment, buildings and all other properties of the Fire District
8. Have full and complete authority over the organization, government and discipline of the District and the assignment of officers and members to the various duties thereof
9. Have full authority to prepare and keep current operational procedures and guidelines for all divisions of the District

10. Be in supreme command of all persons, permanent and temporary in the District
11. Exercise general supervision over all divisions of the District and to this end, from time to time, shall issue such orders as he may deem advisable for the best interest and efficiency of the District, but should not deprive his subordinate officers of their initiative and responsibility in the management of their respective command
12. For fire fighting purposes, determine the type of company and the number thereof that shall respond to alarms in any part of the District
13. Cause all fires to be extinguished with the least possible danger to life and property, and to the best of his ability, prevent unnecessary damage from water at fires
14. Respond to such fires and other emergencies as he may deem advisable and shall be in supreme command in directing the operations of the District at all incidents to which he responds.
15. Have management control of all matters pertaining to fire prevention
16. Be responsible for the enforcement of all fire prevention laws and ordinances and shall assist in the prosecution of persons charged with their violation
17. Be responsible for the investigation of complaints relating to alleged violations of said fire prevention laws and ordinances and of reported conditions alleging potential fire hazards
18. Be responsible for the immediate investigation of all alarms of fire and shall assist in the prosecution of persons charged with arson
19. Have the authority to demolish buildings and parts of buildings which, in his judgment, might endanger life and which may be necessary to demolish to prevent the spread of fire
20. Cause his subordinates to insure the premises on which fires occur are left in such condition that the security of said premises has been properly provided
21. Not jeopardize the lives or limbs of members under his command and shall be just, dignified and firm in his relationship with subordinates
22. Be responsible for proper inspection of all buildings and structures in the District, including dwellings at the request of the occupants thereof, for fire prevention purposes

23. Ensure that fire prevention campaigns and circulation of fire prevention literature is conducted within the District
24. Detail such members of the District for special duty at places of public assembly as may be required or ordered by proper authority
25. Submit the public an annual report of all activities of the Fire District
26. Supervise preparation of specifications for apparatus, building grounds, equipment and supplies that will best fill the needs of the community
27. Make recommendations to the governing body concerning improvements
28. Be responsible for the preparation of Mutual Aid Agreements, Protection Contracts and other agreements
29. Be responsible for maintenance of a record system that will provide accurate information on all pertinent activities of the District
30. As Executive Officer of the District, the Fire Chief shall be responsible for all planning, policy research, financial management, and research and development of new ideas and techniques within the fire service.

D. Seats and Board Meeting. The Fire Chief and such other officers as the Board designates shall be entitled to sit with the Board but shall have no vote on questions before the Board. The Fire Chief may take part in all Board discussions.

E. Fire Chief Pro Tem. Whenever the Fire Chief is absent from the District, is temporarily incapable of carrying out his duties, or whenever his office becomes vacant, the Assistant Fire Chief shall become the Fire Chief Pro Tem, and shall possess the powers and duties of the Fire Chief. No Fire Chief Pro Tem, however, may appoint or remove any employee except with the approval of at least three (3) members of the Board. No Fire Chief Pro Tem shall hold his position, as such, for more than six (6) months, and reappointment of a Fire Chief Pro Tem shall be renewed only at the District Board's discretion.

F. Interference in Administration. No member of the Board shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Fire Chief or any District employee in the purchase of equipment or supplies, or in the award of bids or contracts. Nothing in this section shall be construed, however, as prohibiting the Board while in open session from fully and freely discussing with or suggesting to the Fire Chief or District employee anything pertaining to District affairs or the interests of the District.

CHAPTER VI. ELECTIONS

Section 1. Regular Elections. Elections shall be held in accordance with applicable State election laws. The District Clerk shall publish or post necessary election notices

in accordance with application State election laws. Notices shall state the name of candidates to be voted upon, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 2. Regulation of Elections and Canvass of Returns. The general laws of the State shall apply to the conduct of all District elections, recounts of the returns, contests, and the filing of returns. The results of an election shall be entered in the record of the proceedings of the Board. The entry shall state the total number of votes cast at the election, the votes cast for each person, and for and against each proposition, the name and position of each person elected to office, and a reference to each measure enacted or approved.

Section 3. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Board.

Section 4. Commencement of Terms of Office. The term of office for a person elected at a regular election shall commence the first day of the first July immediately following the election.

Section 5. Election Subdistricts. If a petition is signed by at least five hundred (500) or 10% (whichever is less) of the qualified voters of a District and is presented to the Board of Directors of the District, requesting the establishment of election subdistricts for purposes of nominating or electing one or more Board members, the Board shall submit the question to the qualified voters of the District for their approval or rejection at the next possible election date. The petition shall describe the proposed boundaries of the subdistricts and shall specify whether a qualified voter of the District shall be entitled to sign a petition of nomination or to vote for a candidate from any subdistrict or only for a candidate from the subdistrict in which the voter resides.

If the qualified voters of the District approve the establishment of subdistricts, Board members then holding office shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by subdistrict shall be filled by persons who reside within the subdistricts which are not represented on the Board. If more than one subdistrict is not represented on the Board when a vacancy occurs, the subdistrict entitled to elect a Board member shall be determined by a public drawing of lots in a manner prescribed by the Board.

Section 6. Nominations. A qualified elector or property owner may be nominated for an elective office to be filled at the next scheduled election. The nomination shall be on a form obtained from the District Clerk, and shall meet the criteria established by applicable State election laws. If a candidate chooses to utilize the petition process for nomination, petition signatures must be filed with the District Clerk. The petition of nomination for a successful candidate at an election shall be reserved in the office of the District Clerk until the term of office for which the candidate is selected expires.

CHAPTER VII. VACANCIES IN OFFICE

Section 1. What Creates Vacancy. An office shall become vacant before the expiration of the term if:

- A. The incumbent dies, resigns or is removed.
- B. The incumbent ceases to be an inhabitant of the District for which the incumbent was elected or appointed, or within which the duties of the office of the incumbent are required to be discharged.
- C. The incumbent is convicted of an infamous crime, or any offense involving the violation of the oath of the incumbent.
- D. The incumbent refuses or neglects to take the oath of office , or to give or renew the official bond of the incumbent, or to deposit such oath or bond within the time prescribed by law.
- E. The election or appointment of the incumbent is declared void by a competent tribunal.
- F. The incumbent is found to be a mentally diseased person by the decision of a competent tribunal.
- G. The incumbent ceases to possess any other qualification required for election or appointment to such office.

Section 2. Filling of Vacancies.

- A. Except as otherwise provided by law, a vacancy in an elected office in the membership of the governing body of this District shall be filled by appointment by a majority of the remaining members of the governing body. If a majority of the membership of the governing body is vacant or if a majority cannot agree, the vacancies shall be filled promptly by the County Court of the County in which the administrative office of the District is located.
- B. The period of service of a person appointed under this section shall expire June 30 next following 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 for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

CHAPTER VIII. ORDINANCES

Section 1. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The Stayton Fire District does ordain as follows:"

Section 2. Mode of Enactment.

A. Except in an emergency, an ordinance adopting, amending or repealing a regulation shall not be considered or voted upon by the Board unless the ordinance is included in the published agenda of the meeting.

B. The Board President shall cause the agenda to be published not more than ten days nor less than four days before the meeting, in one or more newspapers of general circulation within the District.

Section 3. Procedure.

A. Except as provided in subsection C of this section, before an ordinance is adopted, it shall be read during regular meetings of the District Board on two different days at least six days apart. The reading of an ordinance shall be full and distinct, unless at the meeting:

1. A copy of the ordinance is available for each person who desires a copy;
and
2. The Board directs that the reading be by title only.

B. Except as provided in subsection C of this section, the affirmative vote of a majority of the members of the Board is required to adopt an ordinance.

C. An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special Board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Board at the meeting, a quorum being present, is required to adopt an emergency ordinance.

Section 4. Filing of Ordinance.

A. Within seven days after adoption of an ordinance, the enrolled ordinance shall be:

1. Signed by the Board President;
2. Attested by the person to serve as recording secretary of the District Board at the session at which the Board adopted the ordinance; and
3. Filed in the records of the District.

B. A certified copy of each ordinance shall be filed with the County Clerk, and shall be available for public inspection.

C. Within fifteen days after adoption of an emergency ordinance, notice of the ordinance shall be published in a newspaper of general circulation in each county in which the District is located. The notice shall:

1. Briefly describe the ordinance;
2. State the date when the ordinance was adopted and the effective date of the ordinance; and
3. State that a copy is on file at the District office, at the office of the County Clerk, and available for public inspection.

Section 5. Take Effect.

A. Except as provided by subsection B of this section, an ordinance shall take effect on the thirtieth day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the voters, it shall not take effect until approved by a majority of those voting on the ordinance.

B. An emergency ordinance may take effect upon adoption.

CHAPTER IX. MISCELLANEOUS PROVISIONS

Section 1. Annexation. When the voters of an area wish to annex to the District, they shall follow guidelines in accordance with applicable State laws.