

LOCAL
GOVERNMENT
LAW GROUP

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October 27, 2020

Ken Huffer
County Administrator
Yamhill County
535 NE Fifth Street
McMinnville, OR 97128

Re: County Commissioners Filling Vacancy on Fire District Board

Dear Mr. Huffer:

I represent the Sheridan Fire District. I understand that this letter will be delivered to your attention along with other related materials by the Fire District. I also understand that you are assisting the Fire District in its quest to fill a current vacancy on the Fire District Board. I was asked to provide some additional background for this process.

The Sheridan Fire District is an Oregon special district formed under the authority of ORS Chapter 478. As an Oregon special district, it is also governed by Oregon's general special district statutes set out in ORS Chapter 198.

Pursuant to ORS 478.210(1), the Fire District is governed by a five-member Board. ORS 478.210(2) then provides that vacancies on the Fire District Board are filled by using the general process set out in ORS 198.320. As a result, the procedure used for filling vacancies on the Fire District Board is found in ORS 198.320(1), which provides in full:

"Except as otherwise provided by law, a vacancy in an elected office in the membership of the governing body of a 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."

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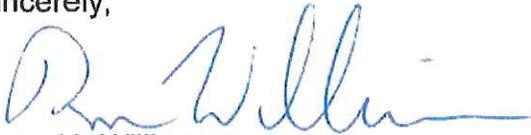
The Sheridan Fire District Board has a current vacancy as a result of the recent passing of one Board Member. The position was announced as open at the Board's September 24, 2020 meeting. Applications from qualified persons to fill the vacancy were sought and the Fire District received five applications. At its Board meeting on October 22, the remaining four Board Members were unable to obtain a vote in favor of one applicant; three affirmative votes are required to fill the vacancy, and no single applicant received three affirmative votes. The four remaining Board Members are unable to agree on a candidate to fill the vacancy.

The four Board Members then unanimously approved the plan of sending three candidates to the Board of County Commissioners, for the Commissioners to make the selection to fill the Fire District Board vacancy. The three applicants that the Fire District Board voted to send to the Board of Commissioners are: Ray Bottenberg, Parrish Van Wert, and Robyn Murphy.

The Sheridan Fire District administrative office is located at its main Station in the City of Sheridan. As a result, under ORS 198.320(1), the Yamhill County Board of Commissioners has the authority to fill the vacancy on the Fire District Board.

I hope the information above helps. Please contact me if you have any questions or if I can be of additional assistance. I appreciate your willingness to assist the Fire District in resolving this Board vacancy.

Sincerely,



Ross M. Williamson
ross@localgovtlaw.com

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Board of Commissioners on
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