

**PORT OF NEWPORT  
RESOLUTION NO. 2014-08**

**A RESOLUTION ESTABLISHING A POLICY FOR THE FILLING OF VACANT  
COMMISSION POSITIONS**

**WHEREAS**, ORS 777.135(6) states that a vacancy on the Board of Commissioners occurs only after the remaining Commissioners declare the position vacant; and

**WHEREAS**, the vacancy shall be filled as provided by ORS 198.320; and

**WHEREAS**, ORS 198.320 states that 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; and

**WHEREAS**, the Port of Newport Commission By-laws Section 5(F)(2) states that the Commission shall establish a policy for the filling of vacant Commission positions by resolution; NOW THEREFORE

**THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS  
FOLLOWS:**

**Section 1. Letters of Interest**

A. Upon a vacancy being declared, staff will post a Notice of Vacancy on the Port's website. A press release will be sent to the local media also informing the public of the vacancy.

B. The due date for Letters of Interest will be the day one week in advance of the next regular board meeting. Letters are to be received at the Port of Newport business office by the due date.

C. Letters of Interest shall at a minimum include:

1. Full name of candidate.
2. Physical and mailing address of candidate. Optional information shall include phone number and e-mail address.
3. Amount of time as an elector within the district.
4. A statement of the candidate's desire to serve on the board or submission of a questionnaire if provided.
5. Signature and date.

**Section 2. Options for Special Meeting.** The Board President may schedule a Special Meeting for the purpose of interviewing candidates if the Commission determines that the amount of time to assess the candidates would be inappropriate for a Regular Meeting.

**Section 3. Voting during Public Meeting.**

A. The remaining Commissioners of the Board with the exception of the President (or President Pro Tem if the President's position is vacant) shall vote via private ballot for their

preferred candidate during the item identified on the agenda. Commissioners are required to sign their ballot before submitting to staff for tabulation.

B. Staff will report the results of the voting including which Commissioner voted for which candidate.

C. If a tie exists upon tabulation of the votes, the President (or President Pro Tem) shall cast a tie-breaking vote.

D. This procedure may be repeated until a single candidate receives a plurality of votes or the President and/or Board agree(s) to solicit additional Letters of Interest identified in Section 5.

**Section 4. Motion to Appoint.**

A. Upon a single candidate receiving a plurality of votes, the President shall solicit a motion to appoint the candidate to fill the vacant position.

B. The President (or President Pro Tem) may vote on the motion to appoint.

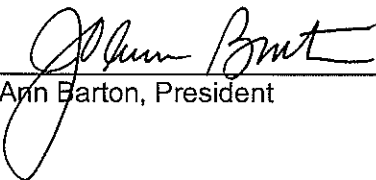
C. A majority of the remaining Commissioners (i.e. 3 of 4 remaining Commissioners, 2 of 3 remaining commissioners) voting in favor of the appointment shall constitute the vacancy as filled.

**Section 5. Failure to Achieve Majority.**

A. If a majority of the remaining Commissioners cannot agree on a candidate, staff will continue to solicit additional Letters of Interest following the provisions in Section 1(B).

B. If a majority cannot be reached at the next meeting, staff will correspond with the Lincoln County Court and request on behalf of the port district that the Court fill the vacancy pursuant to ORS 198.320(1).

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS** this 22<sup>nd</sup> day of July, 2014.

  
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JoAnn Barton, President

ATTEST:

  
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Walter Chuck, Secretary/Treasurer