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Oregon Port Commissioners

The Job and How to Seek It

So You Want to be a port commissioner. This circular is for prospective commissioners and others interested in port commissions. It discusses (1) activities and authority of the port commission, (2) laws and procedures governing candidacy for the non-partisan office, (3) responsibilities of the office holder, and (4) some campaign ideas for those interested in seeking election.

Information that follows has direct application to all port districts in Oregon except the Port of Portland. Commissioners of the Port of Portland are appointed, not elected. Laws governing the operation of the Port of Portland encompass Chapter 778 of *Oregon Revised Statutes* (ORS). These statutes and others cited later are available at any county courthouse and may be available at your local public library.

What is a Port District?

A port district is a local unit of government with primary responsibility for stimulating economic development and facilitating maritime shipping, aviation, and commercial interests of the region within the district boundaries (Chapter 777, ORS).

The people of 23 Oregon coastal and Columbia River communities have organized port districts under Oregon law. These districts are engaged in a

wide variety of activities, from water-borne commerce to managing recreational facilities and promoting industrial development. Some of these districts have very little impact on their communities, while others provide an important hub for the economic activities in their region. Five primary types of activities in which port districts engage are:

- 1) facilitating commerce and shipping;
- 2) operating or facilitating recreational enterprises;
- 3) facilitating commercial fishing;
- 4) encouraging industrial development;
- 5) maintaining channels.

What is a Port Commission?

Except for the Port of Portland, responsibility for governing the port district resides in a board of five commissioners, each of whom must be a registered voter residing within the boundaries of the port. Each commissioner is elected for a 4-year term. Elections are held biennially in odd numbered years, with two commissioners elected in one biennial election and three the next.

The board is required to meet monthly, and may hold special meetings—all of which are held in accord with public meeting laws. Proceedings of the board must be recorded and are public record available for review by any citizen. The board chooses from its members a president, vice president, secretary, and treasurer, and it may hire staff to carry out day-to-day transactions of the port.

The usual role of commissioner is to set policy; the responsibility of the administrative staff is to carry out these policies. The role of commissioner will vary from one port district to another. Each district is organized to handle the particular tasks that arise in its district.

Some commissions organize themselves as a collective board, which works as a unit to solve



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problems and set policies. The staff gathers information, which is then presented to the commission board for consideration. One example of this type of organization is the commission of the Port of Newport. Other commissions delegate certain areas of responsibility to each commissioner. The individual commissioner and the general manager would then spearhead activity in the area of assignment. In these districts, each commissioner is a specialist in certain areas, which are agreed upon when the commissioner takes office. The Port of Siuslaw is an example of this type of commission. The organizational structure of the commission board is determined by the commissioners themselves.

Many commissioners hold other full-time jobs while serving as port commissioners, but those considering seeking office should be aware that the role of commissioner encompasses more than just attending a monthly meeting or making a few decisions. The position is a non-paid public office. Business-related expenses will be reimbursed. Commissioners often attend several special meetings of the Commission, or other job-related meetings during each month. Many are members or hold positions in such agencies as "Oregon Coastal Zone Management Association," "Pacific Northwest Waterways Association," or "Oregon Public Port Association," in addition to their positions as commissioners. Also, many commissioners are actively involved in local or area activities or committees such as Resource, Conservation and Development groups, Overall Economic Development Plan committees, or local Soil and Water Conservation Districts. Commissioners often are faced with tough questions that do not have single, clearcut answers—such as, "Should more waterfront be developed for commercial use instead of recreational use," or "Should the channel near port docks be dredged?"—problems common to many ports. For more specifics on the duties and activities in which your port commissioners engage, attend meetings of your port district and visit with members of the commission or its staff.

Authority of the Commission

The diversity of activities authorized by Oregon statutes indicates that port districts have a significant economic development function. Specific authorization includes the following functions:

- 1) Make improvements in bays, rivers, and harbors.
- 2) Acquire, construct, maintain, and operate wharves, warehouses, terminals, elevators, facilities for processing agricultural, fish or meat products, and other similar facilities.
- 3) Acquire, construct, maintain, and operate airports and railroad terminals.
- 4) Acquire, construct, maintain, and operate public marine facilities.
- 5) Establish, maintain, and operate water transportation lines.

- 6) Develop industrial parks and construct and operate facilities (water, sewage, power, etc.) incidental to the development of the site.
- 7) Advertise and promote facilities and commerce through public and trade media, etc.

A port may, in general, do such other things as promote the maritime shipping, aviation, and commercial interests of the port. Port districts, like other local units of government, may assess, levy, and collect taxes; borrow money; issue bonds; and charge for service. They can also acquire, by condemnation or purchase, any real or personal property and sell any of the port's real or personal property.

The authority of the port commission is established in Chapter 777 of the *Oregon Revised Statutes*. The powers of the port are addressed in ORS 777.195 to 777.258. Prospective candidates should read this section for more detailed information about ports.

Eligibility for Office

Any registered voter over 18 years of age, living within a port district, is eligible to run for the non-partisan office of port commissioner. A port's by-laws may, however, specify an older minimum age requirement. The candidate also must have resided within the district for 30 days before filing for nomination. The Statutes further state that persons advocating the overthrow of the United States Government are not eligible to hold office.

Filing for Candidacy

Candidates must file either a petition for nomination or a declaration of candidacy not later than 35 days before the date of a regular election. The first Tuesday in April is designated as the regular election date on which most port districts elect their officers. Forms for either the declaration or the petition are available from the county clerk and should be filed with the county clerk when completed.

The declaration of candidacy (State Elections Department form 107) must be accompanied by a fee of \$10.

The petition for nomination (State Elections Department form 108) must be signed by at least 25 registered voters, or 10 percent of the registered voters residing in the district, whichever is less. No filing fee is required with this form.

The petition or the declaration must contain the following information:

- 1) name of candidate by which commonly known and by which business is transacted;
- 2) mailing address of the candidate;
- 3) statement of qualification and acceptance;
- 4) signature of the candidate; and
- 5) the office petitioned or declared for, including term of office and position number.



In most districts candidates run by position number—number 1 through number 5. A candidate is allowed to run for only one port position per election. In some districts candidates run at large and so indicate on their petition or declaration of candidacy. Sub-division into sub-districts is authorized and has occurred where port electors felt subdividing would provide more equal port-wide representation on a geographic basis. In these districts, election of commissioners is by sub-district and by voters in each sub-district.

Candidates may withdraw until 5 p.m. the 35th day before the election. Filing fees paid will be refunded upon notifying the county clerk of the request to withdraw.

More detailed information about filing can be obtained by reading "Special District Elections," a manual available in the county clerk's office or possibly available in the port district office. Filing information is available from the office of the county clerk or election office in each county.

Campaign Ideas

A well-run campaign often is the difference between victory and defeat. The first step you, as a candidate, should undertake is to choose a campaign committee. The size should depend on such things as district population and availability of resources. One example of a campaign committee might include the following positions and responsibilities:

- 1) *Campaign Director*—coordinates and clears all campaign-related issues;

- 2) *Treasurer*—fund raising, record keeping, and reporting;
- 3) *Publicity Manager*—prepares brochures, newspapers, and radio announcements, etc., and
- 4) *Public Contact Manager*—arranges forums where the public can get to know your position on the issues.

The composition of the committee itself can have a great impact on the rest of the campaign. Generally, a diverse organization has greater success in attracting supporters both as voters and campaign workers.

The next step in developing an effective campaign is identification of issues and the development of your stance regarding issues. The campaign committee can provide useful input in this process. This important part of the campaign will give you and your committee direction and purpose during the actual campaigning phase.

Next, develop or plan a campaign approach. This plan should be tailored to your committee, your resources, your capabilities and your district (or sub-district). Plan with enough detail so that you never waste campaign time and, never miss an opportunity to explain your candidacy. The plan should coordinate all your campaign activities. It should identify those individuals who might help you with your campaign activities, support your candidacy, and contribute finances.

Next, estimate your campaign needs and resources. What are the various possibilities for action? Which will work best for you, and how much will they cost? Among the costs to consider are duplicating and printing, postage, and advertising—usually radio and newspapers. Other things to consider include the potential for campaign contributions, both in terms of monetary aid and aid in the form of volunteer help.

Maintain a degree of flexibility in your campaign. Contributions may come late in the campaign, while expenses are incurred early. (You are responsible for these debts, even if the contributions don't materialize.) Keep lists of people and ideas as you go along, so you can expand your finance activities if it becomes necessary. Also, be prepared to substitute. Perhaps a substitute telephone or house call campaign could replace an expensive mailing.

A good strategy for any candidate is to construct a campaign calendar. This gives order to a campaign and helps to avoid conflicts. It should contain important campaign dates such as port district meetings, city council meetings, and community interest group meetings. The calendar may also serve as a reminder for deadlines such as necessary financial reports, etc.

Common campaign activities for county and district positions are home visits, coffees, telephone calls, mailings, newspapers, radio messages, and lawn signs. House calls and coffees tend to have the greatest voter impact, due to the one-to-one contact inherent in such activities.

Whichever election activities you and your campaign committee decide to engage in, the success or failure of these activities will depend largely on the amount of planning and preparation. Take enough time to learn the do's and don'ts behind any election activity in which you plan to participate. Additional campaigning ideas and helps may be available from local organizations like the League of Women Voters, etc. Take advantage of their experience and their help when available.

Check all aspects of any campaign activity to make sure you conform to laws and regulations in your district. Further, note that all campaign materials (brochures, lawn signs, etc.) must include the name of the committee or one of its members. Lawn signs (size, placement, etc.) are governed by state, county, or city zoning ordinances. State laws governing campaigning can be found in Chapter 260 of *Oregon Revised Statutes*. You and your committee should read this chapter carefully before starting active campaigning.

Financial Reporting

Financial reporting is a subject important to any candidate. You must keep records of all campaign contributions and expenditures. There is no exception to this rule. To insure compliance with the law, candidates must file a notification of appointment of a political campaign committee and treasurer with the county clerk before contributions are received or expenditures made. Another (financial) filing is required when expenditures or contributions total \$500, or before 30 days have elapsed after the election date. After the \$500 level is surpassed, other financial filings may be required.

Due to the strict compliance with the rules of financial election reports demanded, and the penalties for violation of these rules, the author strongly recommends that candidates for port commissioner read carefully *Oregon Revised Statutes* Chapter 260: "Campaign Finance Regulation; Election Offenses," and the State publication, "Contributions and Expenditures Reporting and Finance Regulations." Both sources of information are available at any county courthouse.

Recall, Resignation, and Removal

Recall, resignation, and removal are three ways a port commission position may become vacant. Resignation from elected office is the right of every elected official. Notice of resignation can be made to the port commission.

Removal from office can occur for a variety of reasons: the port commissioner ceases to live within the election district, the commission election is declared void by a competent tribunal, the commissioner is convicted of an infamous crime, or recall by the voters.

A port commissioner may face a recall election if enough voters are dissatisfied with a commissioner or the entire commission's performance.

Recall is a right of the electorate. Recall petitions must be signed by *either* not less than 15 percent of the electorate from the district or sub-district which elected the commissioner, or at least 25 percent of the electorate of the district who voted at the preceding election for Justice of the Supreme Court.

Ethics

Once elected, the officeholder begins to exercise the authority given the port commission by Oregon law. Accompanying this authority is a responsibility, as public office has been declared a public trust (Chapter 244, ORS). This public trust prohibits a public official from using official position or office to obtain financial gain; from receiving gifts totaling over \$100 from any single source in one calendar year; from soliciting or receiving a pledge or promise of future employment based on official's vote, action, or judgment; from using confidential information gained in an official position for personal gain; and from offering, during any calendar year, gifts in excess of \$100 to any other public official (or the official's family) who has any association with your governmental agency. Public trust requires a public official, when involved in a potential conflict of interest, to announce publicly the nature of the potential conflict *before* taking any official action. Officeholders also must not knowingly violate any statute relating to the public office, fail to perform a duty imposed by law or one clearly inherent in the nature of the office, or knowingly perform an act constituting an unauthorized exercise of official duties.

Since the officeholder is responsible for compliance with these prohibitions, studying statutes relating to the authority and powers of the port commission and public trust is highly recommended. Statutes about authority and power appear in *Oregon Revised Statutes*, Chapter 777, "Ports Generally, Ports Division" and Chapter 198, "Special Districts Generally." Statutes about public trust, abuse of public office, and official misconduct appear in ORS Chapter 244, "Government Ethics," and Chapter 162, "Offenses Against the State and Public Justice."

Port commissioners are important to the communities served, and the decision to be of public service through commission work should reflect a sincere public interest. The same, obviously, is true of other types of non-paid public office, such as school boards, planning commissions, library boards, budget review boards, and many others. To obtain election, voters must know that you have no personal gain in mind. Once elected, you must make yourself available to the various publics so you are aware of their problems and can make informed decisions. If you are willing to help without personal gain as an objective, and will fairly represent the people of your district, you are needed.