



Jackson Soil & Water Conservation District
89 Alder Street Central Point OR 97502
Telephone: 541-423-6159 Fax: 541-727-7471
www.jswcd.org

June 6, 2023

To: Senate Committee on Rules

From: Jackson Soil and Water Conservation District

Re: **Oppose SB 775 Unless Amended – Soil and Water Conservation District Director Eligibility**

Chair Lieber and Committee Members,

JSWCD serves Jackson County by protecting our natural resources through education and technical assistance to implement voluntary conservation in partnership with private landowners and federal, state, and nonprofit partners.

Jackson Soil and Water Conservation District (JSWCD) opposes SB 775 unless it is amended. The -3 Amendments include a population threshold of 250,000 or greater to be excluded from land-based requirements for Soil and Water Conservation District (SWCD) director eligibility. Jackson County is close to this population threshold, so we must assume that JSWCD will cross this threshold before too long.

Under current statute, SWCD Directors can be of two types; at-large directors, and zone directors. At large directors are only required to reside within the district and be registered voters. Zone directors typically have a land-based requirement which consists of owning **or managing** 10 or more acres of land within the District and be involved in active management of the property. Zone directors must have a connection to the zone by either residing in the zone or having the land they own or manage be within the zone. There is a second pathway to becoming a zone director which consists of residing in the zone that they represent and indicating an interest in natural resources conservation by serving at least one year as a director or associate director and having a conservation plan that is approved by the district.

One of the rationales for eliminating land-based requirements is that larger population counties are typically more urban and the land-based requirements are less relevant for the demographics. Another rationale is to make the director positions open to a wider range of citizens. However, there are also good reasons for retaining land-based

requirements as they provide assurance that directors will have relevant experience for the work conducted by the districts.

SB 775 assumes that only larger population counties would favor elimination of the land-based requirements. In 2020 the Oregon Association of Conservation Districts did an extensive survey of its members on this topic. The results showed that the majority of SWCDs throughout the state want to retain the land-based requirements yet there are a wide range of opinions on this matter. It is believed that a few districts in smaller population counties might entertain getting rid of the land-based requirements if they had the choice. It is also understood that some of districts in larger population counties do not want to get rid of the land-based requirements.

A good solution to fixing SB 775 is to allow all districts to have choices for retaining land-based requirements. This solution will allow all districts to decide what works best for themselves. And the statute can be written to allow this decision to be made at some time in the future as the situations for each district change and evolve. Over time we would expect that more districts would move away from land-based requirements and would do so voluntarily.

There has been much debate on this issue within the SWCD community and there are very strong feelings about this matter. If districts are given a choice, the differences of opinions should be muted while the benefits of the intent of SB 775 can be maintained and possibly increased.

Attachment A is a set of suggested alternative language for SB 775. This proposal has three options; the existing system, complete elimination of land-based requirements and a middle road which reduces the number of land-based positions.

Please note that the proposal also makes a minor change by simplifying the alternate path to a director by eliminating the need to have a conservation plan approved by the district.

Thank you for your consideration.

Stan Dean, Chair of the Board
Jackson Soil & Water Conservation District
stan.dean@jswcd.org

Attachment A

Alternative Language for SB 775

Bold – New text

Italics in brackets – [Deleted text]

SECTION 1. ORS 568.560 is amended to read:

568.560 (1) The local governing body of the soil and water conservation district shall consist of a board of either five or seven directors elected or appointed as provided by law. To ensure proper representation of all the people in the district and to facilitate district functions, the State Department of Agriculture shall provide for the zoning of each district, and shall provide each time directors are elected or appointed for the proper and equitable representation for each zone.

(2) All directors must reside within the district and be registered voters.

(3)*[(2)]* Two director positions shall be at-large positions. *[At-large directors must reside within the district and be registered voters.]*

(4) *[(3) Zone]* Directors must **follow one of three systems as follows:**

(a) At large directors only need to meet the criteria in 568.560 (2). Zone directors must own or manage 10 or more acres of land in the district and be involved in the active management of the property.*[, reside within the boundaries of the district and be registered voters.]* Zone directors may either reside within the zone that is represented or own or manage 10 or more acres within the zone that is represented and be involved in the active management of the property. An individual may also serve as a zone director when the individual, in lieu of the other requirements specified in this subsection, resides within the zone that is represented and indicates an interest in natural resource conservation as demonstrated by serving at least one year as a director or associate director of a district. *[and having a conservation plan that is approved by the district. Candidates nominated for director from a specific zone shall be voted on by all electors within the district.]*

(b) At large directors only need to meet the criteria in 568.560 (2). Zone directors must reside within the zone that is represented.

(c) At large directors must own or manage 10 or more acres of land in the district and be involved in the active management of the property. An individual may also serve as an at large director when the individual, in lieu of the other requirements specified in this subsection, indicates an interest in natural resource conservation as demonstrated by serving at least one year as a director or associate director of a district. Zone directors must reside within the zone that is represented.

(5) *[(4)]* **Candidates nominated for director from a specific zone shall be voted on by all electors within the district.**

(6) *[(4)]* The directors shall designate a chairperson, secretary and other officers as necessary and may, from time to time, change such designation.

(7) *[(5)]* The term of office of each director shall be four years, except that:

(a) Of the directors first appointed under ORS 568.400, two shall serve until January first following the first general election following their appointment, and three shall serve until January first following the second general election following their appointment, as determined

by the department, and thereafter, their successors shall be elected as provided by law for other elected directors.

(b) Of the directors first elected as provided in ORS 568.545 (1), three shall serve until January first following the first general election and four shall serve until January first following the second general election after the date of their election, as determined by them by lot at the meeting referred to in ORS 568.545 (1).

(c) Of the directors first elected as provided in ORS 568.565 (1), three shall serve until January first following the first general election and two shall serve until January first following the second general election after the date of their election, as determined by them by lot at the meeting referred to in ORS 568.565 (1).

(d) Of the zone directors elected as provided under ORS 568.565 (2), three shall serve until January first following the first general election and two shall serve until January first following the second general election after the date of their election, as determined by lot at the meeting referred to in ORS 568.565 (2).

(8) [(6)] A director shall hold office until a successor has been elected or appointed, has qualified and has taken the oath of office or until the office becomes vacant under subsection (7) of this section. Any vacancy occurring in the office of director shall be filled as provided by subsection (8) of this section.

(9) [(7)] A director position becomes vacant under the following circumstances:

(a) The department, upon the written recommendation of a majority of the members of the local governing body of a district, may declare vacant the position of a director who is absent from three consecutive meetings of the local governing body of the district. A position becomes vacant under this subsection upon the issuance of the declaration by the department.

(b) No nominee for the position qualifies under ORS 568.530 to have the name of the nominee furnished to the county clerk for placement on the general district election ballot and no person qualifies under ORS 568.530 to have write-in votes counted. A position becomes vacant under this paragraph on January 1.

(c) The department determines that a candidate receiving the most votes at an election does not qualify under this section to hold the position. A position becomes vacant under this paragraph on January 1 next following the election at which the unqualified candidate was elected unless an appointee to the position has been selected under subsection (8) of this section.

(d) A director serving in a position no longer qualifies under this section to hold the position. A position becomes vacant under this paragraph upon the department's declaration that the person no longer qualifies for the position.

(e) A director resigns from a position. A position becomes vacant under this paragraph upon the department's receiving notice of the resignation.

(f) A candidate who received the most votes at an election, or an appointee, refuses to take the oath of office as a director.

(10) [(8)] A director position that becomes vacant before the scheduled expiration of a term shall be filled by appointment by a majority of the remaining directors. However, if a majority of the director positions are vacant or if the remaining directors cannot agree on an appointee, the department shall make an appointment to fill the position.

(11) [(9)] An appointment under subsection (8) of this section shall end on January 1 next following the first general district election held after the appointment. If the appointment ends under this subsection before the January 1 that would normally complete the four-year term of

office for the position, the position shall be placed on the ballot at the next general election as provided under ORS 568.530 to fill the position for the remainder of the four-year term.

SECTION 2. ORS 568.545 is amended to read:

568.545 (1) If two or more soil and water conservation districts are consolidated, all directors of the former districts may continue to serve until directors for the consolidated district are elected as provided in this subsection. Not later than 30 days after the date of issuance of the certificate referred to in ORS 568.471, the boards of the former districts shall hold a joint meeting. At the joint meeting, a majority of all the directors of all the former districts constitutes a quorum for the transaction of business. The directors so assembled shall elect seven persons from among their number to serve as directors of the consolidated district. The term of office of the directors elected as provided in this subsection shall be as provided in ORS 568.560 [(5)(b)] (7)(b). The number of directors of a consolidated district may be reduced to five in the manner provided in ORS 568.565.

(2) The directors elected as provided in subsection (1) of this section shall select a chairperson, secretary and other necessary officers and select a regular date for the annual and other meetings.

SECTION 3. ORS 568.565 is amended to read:

568.565 (1) Upon the written recommendation of the local governing body of a district having seven directors, the number of directors of such governing body may be reduced from seven to five by holding a meeting of the governing body at which the directors elect five persons from among their number to serve as directors of the district. The term of office of the directors elected pursuant to this section shall be as provided in ORS 568.560 [(5)(c)] (7)(c).

(2) Upon the written recommendation and majority vote of the local governing body of a district having five directors, the number of directors for the district may be increased to seven. Notwithstanding any unexpired term of office to which a member may have been elected, all five zone positions shall be placed on the ballot at the next following general election. The department shall determine the terms of office for the positions as provided in ORS 568.560 [(5)(d)] (7)(d). Any vacancy that occurs in a zone position shall be filled as provided under ORS 568.560.

(3) Upon the written recommendation of the local governing body of a district the directors of such governing body may transition between the eligibility requirements in ORS 560 (3) by holding a meeting of the governing body at which the directors elect the change. The change will become effective for individual zones at the end of the regular term of office for each zone.

(4) If the directors of a district elect a change per either 568.565 (3), they may not change again until at least five years have elapsed.